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BY-LAWS

OF THE

BOARD OF DIRECTORS,

(Adopted April and May, 1847,)

TOGETHER WITH THE

CHARTER

OF THE

Pennsylvania Railroad Company,

ITS SUPPLEMENTS,

AND OTHER LAWS RELATING TO RAILROADS PROJECTED FROM CUMBERLAND
TO PITTSBURGH, AND FROM PITTSBURGH EAST.

PHILADELPHIA:

STEREOTYPED BY L. JOHNSON & CO.

1850.

BY J. M. S.

BOARD OF DIRECTORS

CHARTER

THE CITY OF NEW YORK

CHARTER

CRISSEY & MARKLEY, PRINTERS.

474 - 2211

DIRECTORS, 1849—1850.

By the Stockholders.

WILLIAM C. PATTERSON,
SAMUEL V. MERRICK,
DAVID S. BROWN,
STEPHEN COLWELL,
GEORGE W. CARPENTER,
CHRISTIAN E. SPANGLER,
THOMAS T. LEA,
WASHINGTON BUTCHER.

By the City of Philadelphia.

JOHN YARROW,
GEORGE HOWELL,
EDWARD M. DAVIS.

*By the Commissioners of
Allegheny County.*

WILLIAM WILKINS,
JOHN H. SHOENBERGER.

President.

WILLIAM C. PATTERSON.

Treasurer.

GEORGE VAUX BACON.

Secretary.

THOMAS T. FIRTH.

475-1014
Chief Engineer.

JOHN EDGAR THOMSON.

Associate Engineers.

EDWARD MILLER,

WM. B. FOSTER, Jr.

Principal Assistant Engineers.

STRICKLAND KNEASS,

ALEXANDER WORRELL,

G. W. LEUFFER,

O. W. BARNES.

General Superintendent.

JOHN EDGAR THOMSON.

Superintendent of Transportation.

HERMAN HAUPT.

BY-LAWS

OF THE

PENNSYLVANIA RAILROAD COMPANY.

SECTION I.

The Stated Meetings of the Board shall be held in Philadelphia, on every Wednesday, at such place and hour as they may from time to time designate, and *Special Meetings* may be called by the President whenever he may deem it necessary, or at the request of any three members in writing. Seven members shall constitute a quorum for the transaction of business.

SECTION II.

The President shall preside at all meetings of the Board, preserve order, and regulate debate, according to the usual Parliamentary rules. He shall have the custody of the seal of the Company, conduct the correspondence, and attend generally to the executive business of the Company, under the direction of the Board. In the absence of the President, a President *pro tem.* shall be appointed by the Board.

SECTION III.

The Treasurer shall give bonds, with one or more sureties, (not members of the Board,) in the sum of fifty thousand dollars, for the faithful performance of all his duties, as recited in the sixth section of the act of incorporation. He shall keep a regular set of books, containing the accounts of the Company, and all its funds that may pass through his hands, and keep a separate account, as Treasurer, in such bank or banks as the Board of Directors may from time to time designate. He shall report the proceedings of his office to the Board at every Stated Meeting; and at the second Stated Meeting, in November, he shall present a complete statement of his accounts for the year ending the last day of October, (as required by the nineteenth section of the act of incorporation,) and attend to such

The Treasurer. other duties as the Board may from time to time require. His books shall, at all times, be open to the inspection of the President, or any member of the Board. All payments shall be made by orders drawn upon the Treasurer by direction of the Board, signed by the Secretary. All checks shall be signed by the Treasurer and countersigned by the President.

SECTION IV.

The Secretary. *The Secretary* shall keep a regular record of the proceedings of the Board, give notice to the members of all stated or special meetings, attend the meetings of all standing and special Committees when required, and attend to such other duties as the President or Board of Directors may require, and give notice of the *Annual and Special Meetings of the Stockholders*, as required by section four of the act of incorporation.

SECTION V.

**Office of the
Company.
When open.**

The Office of the Company shall be held in Philadelphia, and kept open every day, except Sundays, Christmas, and Fourth of July, between the hours of 9 and 3 o'clock, unless otherwise ordered by the Board.

SECTION VI.

Solicitor.

A Solicitor shall be elected annually, at the first stated meeting in February, who shall prepare all contracts when required, and attend generally to the legal business of the Company.

SECTION VII.

**Certificates of
stock.**

Certificates of Stock shall be issued to the Stockholders, and transfers made when required, said certificates to be signed by the President and countersigned by the Treasurer, and authenticated by the Seal of the Company, in accordance with the provision of the 8th section of the act of incorporation. And any person or persons claiming a certificate or evidence of stock to be issued, in lieu of one lost or destroyed, shall make an affidavit or affirmation of the fact; shall advertise the same in one or more newspapers in Philadelphia, twice a week for four weeks, describing the certificate, and shall transmit the affidavit or affirmation with the advertisement, and shall give the Board a bond of indemnity, with one or more securities, if required, in double the sum of money paid on such certificate to be renewed, against any damage that may arise from the issuing of a new certificate. Whereupon the President and Trea-

surer may, one month after the last advertisement, issue a new certificate of the same tenor with the one alleged to be lost or destroyed, therein specifying that it is in lieu thereof. Old certificates shall be cancelled by the President or Treasurer at the time of transfer—and examined monthly by the Committee on Accounts. Certificates of stock.

SECTION VIII.

There shall be appointed immediately, [and annually hereafter Committees. at the first stated meeting after the organization of the Board in February,] a *Standing Committee on Finance*, and a *Standing Committee on the Road*, to consist of five members each, and a *Standing Committee on Accounts*, to consist of three members. The Committee on Finance shall have a general supervision of the finances of the Company, and report their proceedings to the Board at the first stated meeting of every month, or oftener if required, and shall invest the funds of the Company agreeably to the provisions of the Charter, under the direction of the Board. They shall keep in a book, to be prepared, a regular record of their proceedings. The Committee *on the Road*, (of which the President shall always be a member and chairman,) shall have a general oversight of the location of the Road, damages to be awarded, contracts, subordinate appointments, and every thing having reference to the construction of the work; and report their proceedings monthly to the Board. And there shall be added to this committee, at the first stated meeting in every month, another member of the Board, to serve monthly *in rotation*.

It shall be the duty of the *Committee on Accounts* to examine and audit all bills before being presented to the Board for payment, and to have a general supervision of the accounts of the Treasurer.

SECTION IX.

All Elections shall be by ballot, unless by unanimous consent, Elections. when the vote may be taken *viva voce*. All committees shall be appointed by the President, unless otherwise ordered by the Board.

SECTION X.—*Engineer Corps.*

1. There shall be a Chief Engineer, who shall have the direction Engineer Corps. of the department, be in communication with the Board of Directors, and be responsible for the whole work.
2. Two Associate Engineers, to be appointed by the Board of Directors, who shall, under the supervision of the Chief Engineer, be intrusted with the location and construction of

Engineer Corps.

the two divisions of the road, respectively, which are by law required to be first put under contract.

3. The Chief Engineer and Associate Engineers to be subject to dismissal by vote of the Board of Directors only.
4. All questions touching location, construction, or character of the work, &c., shall be determined by the Engineer-in-chief, in connection with the Associate Engineer on whose division the question shall arise. The final decision of the Engineer-in-chief shall rule, subject to the approval of the Board of Directors.
5. Written reports upon the progress of the work, and upon all points of location, construction, or execution, shall be made by the Associate to the Chief Engineer, who shall report to the Board of Directors for information or approval, as the case may require. Such reports to be accompanied with drawings, maps, and profiles, whether of definitive or experimental lines, when such are required for elucidation.
6. The Assistant Engineers, required for the divisions respectively, to be appointed by the Board of Directors, upon the nomination of the Associate Engineers and approval of the chief.
7. The Assistant Engineers, required to act under the immediate direction of the Chief Engineer, shall be appointed by the Board of Directors, on the nomination of the Chief Engineer.
8. The power of dismissing subordinate officers of the corps shall be vested in the Chief Engineer, or in the Engineer in whose division the dismissal may be required, in the Board, its executive officer, or committee.
The cause of dismissal, in all cases, to be forthwith reported to the Board of Directors in writing.
9. All Engineers shall be required to reside on the line of work, and their time exclusively devoted to the service of the Company.
10. The compensation allotted to the Engineers and Assistants shall be in full for services and expenses, payable monthly.
11. When the general route of the road shall be determined upon, and the two divisions put under contract for construction, a corps shall be organized by the Board under the immediate direction of the Engineer-in-chief, with a principal and subordinate Assistants, who shall have charge of the survey and location of the road to connect the two divisions already commenced.

SECTION XI.

No member of the Board, or any officer or agent by them appointed, shall be directly or indirectly concerned in any contract, arrangement, or engagement for doing any work, or furnishing any materials, or in any way be interested whereby any profit or advantages may ensue to him or them in relation to the construction of the road or any part of it.

No member, officer or agent to be interested in contracts.

SECTION XII.

The Order of Business shall be as follows :

Order of Business.

When a quorum appears, the President shall call the Board to order.

The minutes shall be read, and considered as approved unless there be a motion to amend.

Written Communications read and disposed of.

Reports of Committees.

Treasurer's Report.

Engineers' Reports.

Unfinished Business.

New Business.

SECTION XIII.

No alteration or amendment shall be made in these *By-Laws*, unless presented at a Stated Meeting and considered at a subsequent Stated Meeting, but any By-Law may be suspended by the consent of not less than two-thirds of the *whole* Board.

Alteration or amendment of By-Laws.

SECTION XIV.

Ten days' notice shall be given of the time and place for all General and Special Meetings of the Stockholders.

Notice of Meetings.

AN ACT
TO INCORPORATE THE
PENNSYLVANIA RAILROAD COMPANY.

Names of
Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same: That* Thomas P. Cope, Robert Toland, William M. Meredith, A. S. Roberts, John K. Kane, John B. Myers, Henry Welsh, John M. Atwood, Henry D. Gilpin, John A. Brown, George Cadwalader, Thomas M. Pettit, George W. Toland, A. J. Lewis, A. G. Ralston, David S. Brown, William C. Patterson, Henry White, James Magee, Hugh Campbell, Henry M. Watts, Gideon Scull, Charles S. Wood, J. Fisher Leaming, Thomas C. Rockhill, Thomas P. Hoopes, Robert Allen, Alexander Fullerton, John Welsh, junior, Alexander Osbourn, William Reynolds, William S. Charnley, B. M. Hinchman, Townsend Sharpless, C. G. Childs, Charles Humphreys, Thomas Tustin, Thomas Robbins, William Musser, Robert Steen, Edward Siter, Charles Macalester, Joseph R. Evans, Edward Duff, Henry M. Phillips, Elhanan W. Keyser, Hyman Gratz, John White, John J. Ridgway, Walter R. Johnson, Elliot Cresson, Josiah Randall, J. Rhea Barton, John Swift, George Campbell, G. R. Childs, Hugh Catherwood, Horn R. Kneass, James Steel, James M. Davis, Joseph A. Clay and William P. Smith, of the city of Philadelphia, Thomas Sparks, Thomas McCully, Isaac W. Norris, George M. Stroud, George N. Baker, James Martin, E. A. Penniman, Abraham Helfenstein, Philip M. Price, John J. McCahen, George W. Carpenter, John S. Littell, Samuel C. Ford, Benjamin Crispin, Nathan Trotter, Jacob Broom, Thomas D. Grover, John Naglee, Archibald Wright, Edward F. Gay, William S. Hallowell, William English, Joseph Lippencott, Robert Flinn, Jr., Christopher Mason, John T. Smith, Charles Brown, John Miller, Michael D. Whartman, John S. Cash, Joseph Baker, Mitchell Bomeisler, Samuel Jackson, Peter Rambo, John Robbins, George Shetsline, Samuel Ovenshine, James Eneu,

Jr., Henry Manderfield, David F. Condie, Benjamin L. Berry, Joseph Diamond, William Laughlin, and Levi Strickland, of the county of Philadelphia, Samuel D. Ingham, of Bucks county, Joel K. Mann, Charles Kugler, of Montgomery county, H. Jones Brooke, of Delaware county, Thomas S. Bell, Francis James, Robert Parke, of Chester county, Alexander L. Hays, Emanuel C. Reigart, John N. Lane, Reah Frazer, Benjamin G. Herr, Edward Davies, Reuben Mullison, Bernard Flinn, Samuel Shoch, John F. Huston, J. S. Clarkson, Frederick Hipple, Reuben Hause, of Lancaster county, Henry Flannery, Henry W. Smith, J. Pringle Jones, Henry A. Muhlenburg, Michael K. Boyer, John S. Heister, William High, William Heidenreich, Charles Keely, J. Glancy Jones, of Berks county, Levi Kline, of Lebanon county, Valentine Hummell, senior, William Ayres, Jacob M. Haldeman, James McCormick, James Peacock, Henry Buehler, John C. Bucher, Simon Cameron, David R. Porter, of Dauphin county, Benjamin McIntyre, Robert Elliott, James McFarlane, George Stroop, Robert S. King, Findley McCown, Hugh R. Wilson, Henry Fetter, and Jacob Keiser, of Perry county, James Mathers, Andrew Parker, of Juniata county, Abraham S. Wilson, James Criswell, Reuben C. Hale, Francis W. Rawle, Moses Montgomery, Joseph Milliken, Joseph Ard, Joseph Kyle, David Zook, and William Reed, of Mifflin county, John G. Miles, John Kerr, A. P. Wilson, Edwin F. Shoenberger, Benjamin Leas, John McCahan, John Long, Brice Blair, Thomas E. Orbeson, Edward Bell, William Williams, and John Porter, of Huntingdon county, James Irvin, James T. Hale, W. W. Houston, James Potter, Abraham S. Valentine, Henry Brokerhoff, William F. Reynolds, and Daniel Ulman, of Centre county, A. K. Wright, A. B. Reed, J. W. Smith, of Clearfield county, John Linton, W. A. Smith, John Mathew, John Fenlon, Peter Livergood, Edward Shoemaker, Stephen Lloyd, and Richard Lewis, of Cambria county, James Clark, George Mulholland, Jr., David Ralston, Daniel Stanard, of Indiana county, John Hill, J. R. Logan, John M. Laird, Henry McBride, Joseph Harvey, Hugh Irwin, S. L. Carpenter, F. J. Cope, Richard Coulter, of Westmoreland county, Jesse Carothers, Joshua Hanna, Harmar Denny, Thomas Bakewell, John Bigler, William Wilkins, Wilson McCandless, William McKnight, William Eidebann, C. McGee, William Larriner, James Marshall, John T. Wilson, William R. Vankirk, Samuel Walker, E. Percival, Andrew Bayne, John Hay, H. G. Roland, Hiram Hultz, and Samuel W. Black, of Allegheny county, Michael Doudel, Samuel Wagner, Charles Weiser, Daniel Hartman, A. C. Ramsey, of York county, Jacob Mechling,

Names of
Commissioners.

Names of
Commissioners.

John Bredin, of Butler county, Robert H. Hammond, Jesse C. Horton, J. M. Pollock, John Forsyth, A. Jordan, C. W. Hegins, Samuel Hepburn, and E. Greenough, of Northumberland county, Ner Middleswarth, Robert Cander, Henry Snyder, John L. Watson, and Robert Stoys, of the county of Union, David Leech, Philip Klinginsmith, and Lewis Bremseman, of Armstrong county, Henry Allen, John P. McGlathery, David Norwood, Samuel Vanhorn, William Maginness, James Stewart, James Culbertson, Joseph Pollock, and Alva Leonard, of the county of Beaver, George Chambers, Frederick Smith, and William Baker, of the county of Franklin, Thomas H. Sill, Giles Sanford, John H. Walker, C. M. Reed, C. McSparrow, George Seldon, and John Galbraith, of Erie county, Joel B. Curtis, Samuel Goodman, David Cortney, R. W. Cunningham, and John Hoge, of Mercer county, Thomas Ringland, John Wishart, T. M. T. McKennon, A. W. Acheson, James Gordon, and John Grayson, of Washington county, Morrow B. Lowry, J. Porter Brawley, and Joseph Patton, of Crawford county, Abbot Green, William Cameron, Nathan Mitchel, Levi B. Christ, Joseph Casey, Henry C. Eyer, of Union county, William Donaldson, Joseph Paxton, of Columbia county, be, and they are hereby appointed commissioners, to do and perform the several acts and things hereinafter mentioned, that is to say, they, or such of them as shall act in the

Twelve commis-
sioners neces-
sary to act.

premises, not less than twelve, shall before proceeding to the performance of their duties, be respectively sworn or affirmed before an officer competent to administer oaths, well and truly to perform the duties enjoined upon them by this act; and as soon as conveniently may be, and within three months next after the passage of this act, shall procure and open suitable books at such proper times and places as they may designate, in the cities of Philadelphia, Lancaster, and Pittsburgh, and in the boroughs of Harrisburg, Lewistown, Huntingdon, Greensburg, Bloomfield, and Blairsville, and at such other places as they may deem expedient, of which times and places at least thirty days' previous public notice shall be given, in not less than three daily newspapers published in Philadelphia, and in not less than two daily or weekly papers in the other places named, if so many are therein published, in which books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company of the Pennsylvania Railroad Company, the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, not exceeding five dollars per share, in any period of sixty days, as shall be determined

Subscription
books to be
opened at Har-
risburg, Lewis-
town, Hunting-
don, Greens-
burg, Bloom-
field, and Blairs-
ville, upon 30
days' notice.Form of sub-
scription to the
stock.

by the president and directors of said company, in pursuance of an act entitled 'An Act to incorporate the Pennsylvania Railroad Company.' Witness our hands and seals, the day of one thousand eight hundred and " And at the times and places so designated and named in the public notices to be given as aforesaid, the said commissioners, by themselves, or by committees to be by them appointed, shall attend and furnish to all persons duly qualified who shall offer to subscribe, an opportunity of so doing, and it shall be lawful for all such persons, and for all firms, copartnerships, and bodies politic and corporate, by themselves, or by persons duly authorized, to subscribe for shares in said stock, and the said books shall be kept open at least six hours in every juridical day for the term of ten days, unless the whole number of one hundred and fifty thousand shares shall have been sooner subscribed, and if at the expiration of ten days, the said books shall not have the whole number of shares aforesaid subscribed therein, the said commissioners may adjourn from time to time, and transfer the said books elsewhere, until the whole number of one hundred and fifty thousand shares shall have been subscribed, of which adjournments and transfers the said commissioners shall give such public notice as in their opinion the occasion may require, and when the whole number of shares before mentioned shall have been subscribed, the books shall be closed. *Provided*, That no subscription for such stock shall be valid unless the party or parties making the same shall, at the time of subscribing, pay to said commissioners five dollars on each and every share, for the use of the company. *And provided further*, That if more than one hundred and fifty thousand shares shall have been subscribed within ten days, and before the closing of the books as aforesaid, the commissioners shall reduce the subscriptions pro rata as near as practicable, in such manner as to them may appear equitable, until the number of shares do not exceed one hundred and fifty thousand, but no subscription for ten shares or under shall be so reduced.

Commissioners to give all persons duly qualified an opportunity to subscribe. Who may lawfully subscribe.

Books to be open six hours a day, for 10 days, unless 150,000 shares be sooner subscribed.

Commissioners may adjourn from time to time.

Five dollars a share to be paid at the time of subscription.

If more than capital subscribed, shares to be rateably diminished.

SECTION 2. That when fifty thousand shares or more of the said stock shall have been subscribed, and five dollars paid on each and every share as aforesaid, the said commissioners, acting in the premises as aforesaid, or a majority of them, shall certify to the governor, which certificate shall be verified by the oath or affirmation of at least two of said commissioners, the names of the subscribers and the number of shares subscribed by each, and that five dollars on each have been paid; whereupon the governor shall, by letters-patent under his hand and the seal of the commonwealth, create and

Commissioners to certify to the governor, under qualification, the number of shares subscribed.

When 50,000 shares are subscribed, and \$5 a share paid, governor to issue letters-patent.

The title of the corporation to be "The Pennsylvania Railroad Company."

Ordinary franchises.

Not to be construed as including banking privileges.

To purchase and hold real estate for the making and accommodation of the railroad only.

Debts never to exceed one-half of capital paid in.

No loan to be made to a director, officer, or agent.

constitute the subscribers, and if the subscription be not full at the time, those who shall thereafter subscribe to the number of shares aforesaid, their successors and assigns, into a body politic and corporate in deed and in law, by the name, style and title of "The Pennsylvania Railroad Company," and by the said name, style and title, the said subscribers shall have perpetual succession with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere; and to purchase, receive, have, hold, use and enjoy, to them and their successors, lands, tenements and hereditaments, engines, locomotives, cars, goods, chattels, and estate real and personal, of what kind or quality soever; and the same from time to time to sell, exchange, mortgage, grant, alien, or otherwise dispose of; and to make dividends of such portion of the profits as they may deem proper, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary or convenient for the government of said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of said corporation, and the due ordering and management of the affairs thereof. *Provided*, That nothing herein contained shall be so construed as in any way giving to said corporation any banking privileges whatever, or any other liberties, privileges or franchises but such as may be necessary or convenient to the procuring, owning, making, maintaining, regulating, and using said railroad, the locomotives, machinery, cars and other appendages thereof, and the conveyance of passengers, the transportation of the mail, and of goods, merchandise, commodities and things thereon. *And provided further*, That said company shall not purchase or hold any real estate except such as may be necessary or convenient for the making and constructing of said railroad, or for the furnishing of materials therefor, and for the accommodation of depots, offices, warehouses, machine-shops, toll-houses, engine and water-stations, and other appropriate appurtenances, and for the persons and things employed or used in or about the same. *Provided*, That the whole amount of debts or other liabilities of said company, including loans, shall not at any time exceed one-half of the amount of capital actually paid in. *And provided further*, That no part of the capital stock or other funds

484-27

of the company shall be at any time, directly or indirectly, loaned to any director, officer, or agent of said company.

SECTION 3. The said commissioners, or a majority of them, acting in the premises as aforesaid, shall, as soon as conveniently may be after the said letters-patent shall have been obtained, appoint a time and place for the subscribers to meet in order to organize the said company, and shall give at least twenty days' previous notice thereof in the various papers before mentioned, and the said subscribers, when met, shall by ballot elect, by a majority of the votes present, to be given in person or by proxy, thirteen directors, all of whom shall be citizens and residents of this Commonwealth, and shall be owners respectively of at least twenty shares in the stock of said company; the said directors and those thereafter to be chosen in pursuance of the provisions of this act, at their first meeting shall choose by ballot one of their own number as president of said company, and the said president and directors shall conduct and manage the affairs and business of said company until the first Monday of June then next ensuing, and until others are chosen, and may make, ordain, and establish such by-laws, rules, orders and regulations, and do and perform such other matters and things as are by this act authorized.

Commissioners to give 20 days' notice to organize and elect directors.

Qualifications of a director.

At their first meeting, the directors shall choose a president.

President and directors shall serve until first Monday of June succeeding, and until others are chosen.

SECTION 4. That the stockholders shall meet on the first Monday of December in every year, at such place in this Commonwealth as may be designated by the by-laws of the company, of which at least twenty days' previous notice shall be given in three or more daily newspapers published in the city of Philadelphia and elsewhere, as the board shall direct, and choose by a majority of votes thirteen directors, qualified as provided in the preceding section, for the year ensuing, who shall continue in office until the next annual election, and until others are chosen; at which annual meeting the said stockholders shall have full power and authority to make, alter, or repeal, by a majority of the votes given, any or all such by-laws, rules, orders, and regulations as aforesaid, and do and perform every other corporate act authorized by their charter. The stockholders may meet at such other times and places as they may be summoned by the president and directors in such manner and form, and giving such notice as may be prescribed by the by-laws; and the president, on the request, in writing, of any number of stockholders representing not less than one-tenth in number and interest, shall call a special meeting, giving the like notice, and stating specifically the objects of such meeting; and the objects stated in such notice, and no other, shall be acted upon at such meeting; nor shall any

Annual election of directors to take place on the first Monday of December, at any place which may be designated in the By-laws, on 20 days' notice in three or more newspapers. Changed to first Monday of February by 2d sec. Act 26th April, 1850; see p. 37. Stockholders may, at annual meeting, make, alter, or repeal the by-laws. Stockholders may be convened by president or directors at any other time and place, in pursuance of the by-laws. The president, on the request of stockholders representing one-tenth in number and interest of the stock, may call a special meeting of the stockholders.

The call shall state the specific object of meeting, and no other business shall be transacted.

Mode of conducting elections of directors.

If no election is made, another may be held within three months, on ten days' notice.

Directors to supply vacancies in their own body; also in case of a tie vote.

Each share entitled to one vote. See 1st sec. Sup. 27th March, 1848; post, p. 31. Shares transferred within 60 days of an election not to entitle the holder to a vote.

No one but a female, within ten miles of a general meeting, to vote by proxy.

No person shall represent by proxy more than three absent stockholders.

business be transacted at any such special meeting, unless a majority of the stock shall be there represented; but the meeting may adjourn from day to day, or until such times as a majority in interest shall be present.

SECTION 5. That the elections for directors provided for in this act, shall be conducted in the following manner, that is to say: at the first election, the commissioners shall appoint three stockholders, not being candidates, to be judges of the said election, and to hold the same; and at every succeeding election, the directors for the time being shall appoint three stockholders, who shall not be directors nor candidates, for the like purpose; and the persons so appointed by said commissioners and directors, shall respectively take and subscribe an oath or affirmation before an alderman or justice of the peace, well and truly, according to law, to conduct such election to the best of their knowledge and ability, and the said judges shall decide upon the qualification of voters, and when the election is closed, shall count the votes and declare who have been elected; and if it shall at any time happen that an election of directors shall not be made at the time specified, the corporation shall not for that reason be dissolved, but it shall be lawful to hold and make such election of directors on any day within three months thereafter, by giving at least ten days' previous notice of the time and place of holding said election, in the newspapers aforesaid, and the directors of the preceding year shall in that case continue in office, and be invested with all powers belonging to them as such, until others are elected in their stead. In case of the death, resignation or removal from this State of a director, or a failure to elect, in case of a tie vote, or in case any one of them ceases to be qualified to act as a director in the manner hereinbefore provided, the vacancy may be filled by the board of directors. At all general meetings or elections by the stockholders, each share of stock shall entitle the holder thereof to one vote, and each ballot shall have endorsed thereon the number of shares thereby represented, but no share or shares transferred within sixty days next preceding any election or general meeting of the stockholders shall entitle the holder or holders thereof to vote at any such election or general meeting; nor shall any person or party, females excepted, residing within ten miles of the place appointed for any such election or general meeting, be entitled to vote by proxy. No person shall represent by proxy more than three absent stockholders, nor shall any proxy be received, or entitle the holders thereof to vote, unless the same shall bear date, and have been duly executed and acknowledged before some person

legally authorized at the place of executing the same, to take such acknowledgments, within the three months next preceeding such election or general meeting, and every such proxy received and voted upon as aforesaid, shall be retained and filed amongst the papers of the company until after the next annual election or general meeting, subject to the inspection or examination of any stockholder who may desire it.

Proxies to be acknowledged within three months of the election.

Proxies voted upon to be filed among the papers of the company.

SECTION 6. That the president and directors for the time being are hereby authorized and empowered to exercise all the powers granted to the corporation. They shall meet at such times and places as shall be by them deemed most convenient for the transaction of their business, and when met, seven shall be a quorum; the president, if present, shall preside at all meetings of the board, and when absent, the board shall appoint a president *pro tem*. They shall keep minutes of their proceedings fairly entered in a suitable book to be kept for that purpose; they shall choose a secretary and treasurer, and may appoint or employ all such officers, engineers, agents, superintendents, artisans, workmen, or other persons, as in their opinion may be necessary or proper in the conducting and management of the affairs and business of said corporation, at such times, in such manner, and under such regulations as they may from time to time determine; they may require security in such amounts as they may deem necessary, of each or any of said officers or other persons by them appointed or employed, and generally to do all other such acts, matters, and things, as by this act and the by-laws and regulations of the said company they may be authorized to do. The treasurer of said company shall enter into one or more sureties, satisfactory to the president and directors, in a sum not less than thirty thousand dollars, conditioned for the faithful discharge of all the duties of his office while he shall continue to hold the same, and for faithfully accounting for and paying over according to law and the by-laws of the company, all moneys that may come into his hands as treasurer aforesaid, and for the payment to his successor in office, or other person authorized by the president and directors to receive the same, the balance of all such moneys, and in like manner for the delivery to said successor, or other person authorized as aforesaid, all books, papers, documents, accounts and property that he may have or hold by virtue of his office, and the bond or bonds of the treasurer shall be renewed at least once in every two years.

The powers of the corporation to be exercised by the president and directors.

Seven to form a quorum. The president, when present, to preside.

The directors to keep fair minutes of their proceedings.

May choose secretary, treasurer, and other officers.

May require security from any of their officers or agents.

The treasurer shall not give less than \$30,000 security.

The condition of the bond of the treasurer.

The bond to be renewed at least once in two years.

SECTION 7. The president and directors shall fix the amount of salaries and wages of the several officers, engineers, and agents em-

Salaries and wages.

No director to be allowed compensation but the president.

ployed by them, but no director shall be allowed any compensation but the president, whose salary shall be fixed by the vote of a majority of all the directors.

Certificates of stock to be delivered to the stockholders.

SECTION 8. That the president and directors first chosen shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one or more certificates or evidences, signed by the president and countersigned by the treasurer, and sealed with the common seal of the corporation, to each person or party entitled to receive the same, according to the number of shares by him, her, or them, respectively subscribed or held, which certificates or evidences of stock shall be transferable at the pleasure of the holder, in a suitable book or books to be kept by the company for that purpose, in person or by attorney duly authorized, in the presence of the president or treasurer, subject, however, to all payments due or to become due thereon; and the assignee or party to whom the same shall have been so transferred, shall be a member of said corporation, and have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties incident thereto, in the same manner as the original subscriber would have been. *Provided*, That no certificate shall be transferred so long as the holder thereof is indebted to said company, unless the board of directors shall consent thereto.

How to be signed, countersigned and sealed.

Stock transferable at pleasure in the presence of the president or treasurer.

The transferee of stock to be a member of the corporation.

No certificate of stock not paid for, to be transferred without the consent of the directors.

The capital stock may be called in, at the rate of \$5 a share, every 60 days.

Public notice, for three successive weeks, to be given. (See sec. 4th.)

Stockholders liable to pay one per cent. a month on instalments due and unpaid.

If instalments and penalty, or a part, remain unpaid for six months, the shares may be forfeited.

Or suit may be brought.

Disposition of forfeited shares.

SECTION 9. The capital stock of the company shall be called in, and paid at such times and places, and in such proportions and instalments, not however exceeding five dollars per share, in any period of sixty days, as the directors shall require, of which public notice shall be given, for at least three successive weeks next preceding the time or times appointed for that purpose, in the newspapers last above mentioned; and if any stockholder shall neglect to pay such a proportion or instalment so called for, at the time and place appointed, he, she, or they, shall be liable to pay, in addition to the proportion or instalment so called for, at the rate of one per cent. per month for the delay of such payment; and if the same and the additional penalty, or any part thereof, shall remain unpaid for the period of six months, he, she or they shall, at the discretion of the directors, forfeit to the use of the company, all right, title and interest in, and to every and all share or shares, on account of which such default in payment may be made as aforesaid; or the directors may, at their option, cause suit to be brought before any competent tribunal, for the recovery of the amount due on such shares, together with the penalty of one per cent. per month as aforesaid; and in the event of a forfeiture, the share or shares so

forfeited, may be disposed of at the discretion of the president and directors, under such rules and regulations as may be prescribed by the by-laws; no stockholder shall be entitled to vote at any election, nor at any general or special meeting of the company, on whose share or shares any instalment or arrearages may be due, more than thirty days next preceding said election or meeting.

A stockholder cannot vote if a part or the whole of any instalment be unpaid more than 30 days before election.

SECTION 10. That dividends of so much of the profits of said company, as shall appear advisable to the directors, shall be declared in the months of May and November, in each and every year, and be paid to the stockholders, or their legal representatives, on application at the office of said company, at any time after the expiration of ten days from the time of declaring the same; but the said dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if the said directors shall make any dividend, which shall impair the capital stock of the company, the directors consenting thereto shall be liable, in their individual capacities, to the said company, for the amount of capital stock so divided, recoverable by action of debt, as in other cases; and each director present, when such dividend shall be declared, shall be considered as consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend. *Provided, however,* That after *bona fide* contracts shall have been made for the immediate construction of fifteen miles of road, at each end thereof, a sum equal to five per centum per annum, on all capital stock of said company actually paid in, shall be estimated and credited to the several holders thereof, on account of the amounts payable by them, respectively, for stock subscribed; and shall so continue to be estimated and credited, until one hundred miles of said railroad, that is to say: fifty miles thereof, commencing at the city of Pittsburgh and extending eastward, and fifty miles thereof, commencing at the easternmost terminus of said road, and extending westward, shall be completed and in use, which said estimates and credits shall be estimated and considered as part of the cost of construction: *And provided further,* That no dividends of profits shall be made, until one hundred miles of said railroad shall be completed, and in use, as is specified in the foregoing proviso; and if any loan of any part of the money received on the subscription to the stock be made to any officer, stockholder, or agent of the said company, or to any other person or corporation, it shall be deemed and taken as a violation and forfeiture of the charter authorized by this act, to be ascer-

Dividends to be declared in May and November.

Payable after ten days from declaration.

Dividends not to exceed the net profits of the company.

Directors consenting to make dividends out of the capital, to be liable therefor. (See 2d sec. Sup. 27th March, 1848.) Director to be considered as consenting unless he enters protest on the minutes forthwith.

When fifteen miles at each end of road are put under contract, 5 per cent. per annum to be credited on stock paid in. Provisoes repealed, 2d sec. Sup. 27th of March, 1848: see post, p. 32; but sec last proviso to 2d sec. of this act, ante, pp. 14 & 15.

When 50 miles road from each end are done and in use, the credit of 5 per cent. per annum to be discontinued. No dividends to be made until 50 miles road at each end be done and in use. A loan of any money received as stock to be taken as a violation and forfeiture of the charter.

tained and declared, as provided in the twenty-fourth section of this act.

Company to fix route, but not to pass through a grave-yard, church or dwelling-house. As to dwelling-houses construed by 3d sect. Sup. 27th March, 1848, post, p. 32.

The ground to be taken for the railroad not to exceed 4 rods in width, except for deep cuts, sidings, depots, &c.

To unite with the Harrisburg railroad, if that Company agree to the same tax on tonnage as this. See 6th sect. Act 27th of March, 1848, post, p. 34.

If the Harrisburg Company do not agree within 3 months after putting 15 miles under contract, then this Company to connect with Columbia railroad.

The route to be direct, if practicable, with moderate gradients, to a point in, at, or near Pittsburgh.

A branch may be made to Erie.

The company may enter upon all lands necessary for such railroad.

SECTION 11. That the president and directors of said company, shall have power and authority by themselves, their engineers, superintendents, agents, artisans, and workmen, to survey, ascertain, locate, fix, mark and determine such route for a railroad as they may deem expedient, not however passing through any burying-ground, or place of public worship, or any dwelling-house, without the consent of the owner or owners thereof, and not, except in the neighbourhood of deep cuttings or high embankments, or places selected for sidings, turn-outs, depots, engine or water stations, to exceed four rods in width, and thereon to lay down, erect, construct and establish a railroad with one or more tracks with such branches or lateral roads as are hereinafter mentioned, and with such bridges, viaducts, turn-outs, sidings, or other devices, as they may deem necessary or useful, beginning at and uniting with the western terminus of the Harrisburg, Portsmouth, Mountjoy and Lancaster railroad, in the borough of Harrisburg. *Provided*, said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company shall be subject to, and consent to, the same rate of tax on tonnage for the use of the State, as is provided to be paid in this act by the Pennsylvania Railroad Company; and in case the said Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad Company should not agree to comply with these conditions within three months after the distance of fifteen miles from Harrisburg westward shall *bona fide* be put under contract, the said Pennsylvania Railroad Company are authorized to connect their road with the Columbia Railroad, at or near the borough of Columbia, in Lancaster county: and thence by such direct practicable route, with moderate gradients, as will, in the opinion of the said president and directors, most conduce to the public interest and the interests of said company, having due regard to economy in the construction, maintenance and management thereof, and terminating at such point or points in, at, or near the city of Pittsburgh, or other place in the county of Allegheny, with authority to extend said road, or a branch thereof, to the town or harbour of Erie in the county of Erie, as to the said president and directors may seem most advantageous or expedient, and in like manner by themselves, or other persons by them appointed or employed as aforesaid, to enter into and upon, and occupy all land on which the said railroad or depots, warehouses, offices, toll-houses, engine and water stations, or other buildings or appurtenances hereinbefore mentioned, may be located, or which may be neces-

sary or convenient for the erection of the same, or for any other purpose necessary or useful in the construction, maintenance or repairs of said railroad, and therein and thereon to dig, excavate, and embank, make, grade, lay down and construct the same; and it shall in like manner be lawful for the said company, their officers, agents, engineers, contractors or workmen, with their implements and beasts of draft or burden, to enter upon any lands adjoining, or in the neighbourhood of the said railroad so to be constructed, and to quarry, dig, cut, take and carry away therefrom any stone, gravel, clay, sand, earth, wood, or other suitable material necessary or proper for the construction, maintenance or repairing of said railroad, or for the construction of any bridges, viaducts, or other buildings which may be required for the use, maintenance, or repairs of said railroad: *Provided*, That such compensation shall be made, secured, or tendered to the owner or owners of any such lands or materials as shall be agreed upon between the parties, or in such manner as is hereafter mentioned: *Provided further*, That the timber used in the construction or repair of said railroad shall be obtained from the owners thereof only by agreement or purchase.

May cut and carry away material necessary for the making of the road.

Compensation to be made or tendered for the land and materials used.

Timber to be obtained only from the owners.

SECTION 12. That when the said company cannot agree with the owner or owners of any lands or materials, for the compensation proper for the damage done or likely to be done to, or sustained by, any such owner or owners of such lands or materials which said company may enter upon, use, or take away in pursuance of the authority hereinbefore given, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the court of Quarter Sessions of the proper county, on application thereto by petition, either by said company or owner or owners, or any one in behalf of either, shall issue their precept to the sheriff of the county, commanding said sheriff to summon twenty discreet and disinterested persons, freeholders of said county, to act as jurors, and to meet at such convenient place near the premises, as in the said precept or by the said sheriff may be designated, in not less than ten, nor more than twenty days, giving such reasonable notice as the court may direct to both parties, by publication or otherwise, whose duty it shall be to ascertain and report to said court, whether any, and if any, what damages have been, or may be sustained by the owner or owners of said land or materials by reason of the construction of said railroad, or by reason of the materials used or taken away, in manner aforesaid; and if twelve or more of the said jurors attend, they shall be empannelled, and if twelve do not attend, the sheriff shall forthwith,

This section repealed except as to proceedings commenced, by 4th sect. Sup. March 27, 1848 See post, p. 32. See also declaratory act, 5th April, 1849, post, p. 36.

Application to be made to the court of Quarter Sessions of the proper county for 20 freeholders to assess the damages done by the comp'y.

Twelve jurors to be qualified and decide.

or as soon thereafter as practicable, summon others to attend on a day by him fixed for that purpose; and the said twelve jurors being so empannelled, and having been first sworn or affirmed, by said sheriff, or his deputy, faithfully, justly, and impartially to decide, and true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire, in pursuance of the provisions of this act; and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be so taken or occupied, or the materials so used or taken away, or to be so used or taken away, as the case may be, and having a due regard to, and making just allowance for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said land or materials, in consequence of the opening or making of said railroad; and after having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine whether any, and if any, what amount of damages have been or may be sustained, and to whom payable, and make report thereof to the court; and if any damages be awarded, and the report be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid, execution may issue thereon, as in other cases of debt, for the sum so awarded; and the cost and expenses incurred shall be defrayed by said railroad company: *Provided*, That if said report be not confirmed, as aforesaid, and justice may seem to require it, a new inquisition may be ordered by said court: *And provided further*, That any owner or owners, or other party applying for a review, shall be liable for the costs of the proceedings prayed for, in case a report more favourable be not obtained upon such review: *And provided further, nevertheless*, That nothing herein contained shall authorize the said company to enter upon any lands, or take any property, without making compensation to the owners of said property, or giving adequate security therefor: *And be it further provided*, That in all cases where the parties cannot agree on the amount of damages claimed either for land or materials, the company shall tender a bond, with sufficient security, to the party claiming the damages; the condition of which shall be, that the company will pay, or cause to be paid, such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon by the parties, or assessed by the provisions of this act: *And provided further*, That in case the party or parties claiming damages, refuse to accept the bond as tendered by the company, the company shall, in every such case, present their bonds to

The jury shall view the premises.

The jury to report the damages, and to whom payable.

The court may order a new inquisition.

Company not to enter upon land before paying or giving security therefor.

Where the company and parties cannot agree, the company shall give bond, with security, to pay the damages assessed.

If parties refuse to take the bond tendered, the company shall offer it for ap-

the Court of Common Pleas of the proper county; and if the court approve of the security, shall direct the same to be filed for the benefit of those to whom it is given, which bonds shall be answerable as all other debts for the amount of the damages assessed, if the same be not paid in a reasonable time after such assessment.

proval to the court of Common Pleas of the county. The bond, if approved, shall be filed for the benefit of the parties entitled.

SECTION 13. That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company, so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual proper wagon-ways across said road or roads, from one part of his lands to the other.

The railroad must not impede the passage along any established road it may cross.

Wagon ways to be made for private persons whose lands the railroad divides.

SECTION 14. That in all suits or actions against the said company, the service of process on the president, secretary, treasurer, engineer, agent, or any director of said company, shall be good and available in law; but no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed, or cause of action accrued; and the defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Service of process.

Action to be commenced within twelve months after the alleged cause occurred. General issue may be pleaded, and the special matter given in evidence.

SECTION 15. That if any person or persons shall wilfully and knowingly break, injure, or destroy the railroad hereby authorized, or any part thereof, or any edifice, device, property or work, or any part thereof, or any machinery, engine, car, implement or utensil, erected, owned or used by the said company, in pursuance of this act, he, she, or they, so offending, shall forfeit and pay to the said company three times the actual damage so sustained, to be sued for and recovered, with full costs, before any tribunal having cognisance thereof, by action in the name and for the use of said company.

Injuries to the railroad to be punished by threefold the damage sustained.

SECTION 16. That if any person or persons shall wilfully and maliciously remove or destroy any of the company's constructions, or place designedly, and with evil intent, any obstruction on the line of said railroad, so as to jeopard the safety, or endanger the lives of persons travelling on or over the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned in the penitentiary for a term not less than three months, nor more than three years: *Provided*

Persons wilfully obstructing the railroad punishable in the penitentiary.

Civil remedy
also may be
pursued.

That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

Owners of land
may make
lateral railroads
for conveying
the products of
the same land.

SECTION 17. That the said company shall not prevent any person or persons, being the owner or owners of land bordering on or adjacent to said railroad, from making lateral railroads, and connecting the same with the railroad of the company, for the purpose of transporting thereon their produce, or other material, being the products of said land; the said connections being made at the expense of the person or persons wishing the same, and according to the directions and subject to the approval of the directors of said company, or their authorized agent; and it shall be lawful for the said company, in the manner, and subject to the conditions and provisions hereinbefore provided, in relation to the main line of their railroad by this act authorized to be made, to make such lateral railroads or branches, leading from the main line of their said railroad, to such convenient place or points, in either of the counties, into or through which the said main line of their road may pass, as the president and directors may deem advantageous, and suited to promote the convenience of the inhabitants thereof, and the interests of said company.

The company
may construct
branches from
main line in any
county.

Troops and mu-
nitions of war
to be carried at
half price.

SECTION 18. That in times of war, invasion, or domestic insurrection, the said company shall carry and transport, or permit to be carried and transported on said railroad, any troops called into service by any competent authority, their ordnance, munitions and military stores, at one half the usual charge, for the time being, for carrying and transporting other passengers and freight.

A full report to
be annually
made by the
President and
Directors to the
stockholders.
October changed
to December.
See 3d section,
Sup. of 26th of
April, 1850,
post, p. 37.

SECTION 19. That at each annual meeting of the stockholders of said company, the president and directors, for the year preceding, shall lay before them a full and complete statement of the affairs of the company, for the year ending on the last day of October immediately preceding, exhibiting, under the various appropriate heads, the amount of moneys received, and from what sources, the amount disbursed, and for what purpose, the balance remaining with the company; which statement shall be accompanied with a report of the acts and proceedings of the company for the same period, with such further information as may be requisite to convey to the stockholders a full knowledge of the affairs and condition of said company; the said statement and report shall be published, as soon as conveniently may be, in pamphlet form, and in such newspapers as the stockholders or president and directors may designate, and a copy thereof shall be transmitted to the Governor, and to each branch of the Legislature, at its next annual meeting.

Annual report
to be published
in pamphlet
form and in
newspapers.

SECTION 20. That if any increase of the capital stock shall be deemed necessary, in order to complete or improve the said railroad or appurtenances, it shall be lawful for the stockholders of said company, at any annual meeting, or at any special meeting convened for that purpose, in manner as aforesaid, to increase and dispose of any additional number of shares, not exceeding fifty thousand, so that the whole amount of said capital stock shall not exceed ten millions of dollars, and receive and demand the moneys for the said additional shares, in like manner, and subject to the same conditions hereinbefore provided for the original subscriptions, or as shall be provided for in the by-laws of said company.

The stockholders may increase the capital stock to ten millions.

SECTION 21. That upon the completion of said railroad, or any part thereof, the same shall be esteemed a public highway, for the conveyance of passengers and the transportation of freight, subject to such rules and regulations in relation to the same, and to the size and construction of wheels, cars and carriages, the weight of loads, and all other matters and things connected with the use of said railroad, as the president and directors may prescribe and direct: *Provided*, That the said company shall have the exclusive control of the motive power, and may from time to time establish, demand, and receive, such rates of toll or other compensation, for the use of the said road, and of said motive power, and for the conveyance of passengers, the transportation of merchandise and commodities, and the cars or other vehicles containing the same, or otherwise passing over or on said railroad, as to the president and directors shall seem reasonable: *Provided however, nevertheless*, That said rates of toll and motive power charges, so to be established, demanded or received, when the cars used for such conveyance or transportation are owned or furnished by others, shall not exceed two and a half cents per mile for each passenger; three cents per mile for each ton of two thousand pounds for freight; three cents per mile for each passenger or baggage car, and two cents per mile for each burden or freight car, every four wheels being computed a car; and in the transportation of passengers, no charge shall be made to exceed three cents per mile for through passengers, and three and a half cents per mile for way passengers.

The railroad and each part, as finished, to be a public highway.

The company to have control of the motive power and establish rates of toll.

Rates of toll and motive power, $2\frac{1}{2}$ cents a mile for a passenger, and 3 cents a ton for freight, where cars are not owned by the company.

Rates of toll and motive power.

SECTION 22. That all tonnage, of whatsoever kind or description, except the ordinary baggage of passengers, loaded or received at Harrisburg or Pittsburgh, or at any intermediate point, and carried or conveyed on or over said railroad, more than twenty miles, between the tenth day of March and the first day of December, in each and every year, shall be subject to a toll or duty, for the use

Tonnage regulated between 10th March and 1st December. Commuted, see 4th proviso to the 1st sect. of the Supplement, passed 27th March, 1848, post, p. 31.

Report of ton-
nage to be made
to the Auditor
General after 30
miles of railroad
shall have been
completed.

Payment of the
sum due, to be
made to the
State Treasurer.

The Governor
may appoint
State agents, if
necessary, to
keep an account
of tonnage
transported.

State agents
may examine
all books of the
company for
this purpose.

The State may
purchase the
railroad at the
end of 20 years.

of the Commonwealth, at the rate of five mills per mile for each ton of two thousand pounds; and it shall be the duty of said company, between the twentieth and thirtieth days of July, and between the first and tenth days of December, in each and every year, after thirty miles or more of said railroad shall have been completed, and in use, to cause to be made out, and filed with the Auditor General, a true and correct statement, exhibiting the amount of such tonnage so loaded or received, and the distance so carried or conveyed, during the respective periods intervening between the said tenth day of March and the twentieth day of July, and between the said twentieth day of July and the first day of December, in each and every year; which said statement shall be verified by the oath or affirmation of the receiving or forwarding agent or agents, or other proper officer or officers of said company, having knowledge of the premises; and at the time of filing said statement, or on or before the said thirtieth day of July and the tenth day of December, in each and every year, the said company shall pay to the State Treasurer the amount of said toll or duty so accruing, for the use of the Commonwealth, during the respective intervening periods before mentioned. *Pro-
vided*, That if it shall hereafter be deemed necessary or expedient, the Governor may appoint one or more State agents, not exceeding three, who shall have the right at all times to travel free of charge on or over said railroad, between Harrisburg and Pittsburgh, in the cars or other vehicles of the company used for the conveyance of passengers; and at all times, during the usual hours of business, shall have free access to, and liberty to inspect and examine all such books, accounts, way-bills, bills of freight, manifests and other papers of the company, as may be necessary and proper to enable the said agent or agents to ascertain and keep a true and correct account of all such tonnage so loaded, received, carried or transported on or over said railroad, during the periods aforesaid; and the Legislature hereby reserves the right to adopt such additional measures, to secure a faithful compliance with the conditions of this proviso, as may hereafter be deemed right and proper.

SECTION 23. That if the Legislature of this State shall, at the expiration of twenty years from the completion of said railroad, make provision by law for the repayment to the said company of the amount expended by them in the construction of said railroad, and in the construction of permanent fixtures, and all other appurtenances for the use of the same, together with all moneys expended by said company, for repairs, attendance and otherwise, for the purpose of said railroad, with interest on such sums, at the rate of

eight per cent. per annum, after deducting the amount of tolls and other revenue received by said company, for the use of the same, then said railroad, with all its fixtures and appurtenances, shall vest in, and become the property of the people of this State; but if the Legislature shall not, at the expiration of the said period of twenty years, claim the said railroad, and so forth, as aforesaid, then the said company, with all its said rights and privileges, shall continue for another period of twenty years, subject to the claim of the Legislature, as aforesaid, at the expiration thereof, on the same terms and conditions as aforesaid, and so on from twenty years to twenty years.

The terms of purchase.

The company to enjoy their rights for 20 years more if not bought by the State.

SECTION 24. That it shall at all times be lawful for a committee of the Legislature, appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been by the same abused or violated; and if the officers of said corporation shall refuse to be sworn or affirmed, or give evidence, or refuse to produce any of their books or papers, that may be demanded, before any such committee, then the Legislature may, by law, declare the said charter void, and repeal the same; and whenever any committee as aforesaid shall find and report, or the Governor shall have reason to believe that the charter has been violated, it may be lawful for the Legislature to direct, or the Governor to order, a *scire facias*, to be sued out of the Supreme Court of Pennsylvania, in the name of the Commonwealth of Pennsylvania, which shall be served by the sheriff of any county in this Commonwealth, on the president, treasurer or secretary, at the office of the corporation, for the time being, at least ten days before the commencement of the term of court, calling on the said corporation to show cause why the charter hereby granted should not be declared forfeited; and it shall be lawful for the said court, upon the return of the *scire facias*, to examine into the truth of the alleged violations; and if such violations be made to appear, then to adjudge that the said charter is forfeited, and thereupon, and in case the Legislature shall have power to declare the said charter void, and to repeal the same for the cause aforesaid, the railroad aforesaid, with its appurtenances, and all estate, real and personal, of the said corporation, shall revert to and be vested in the Commonwealth, upon the payment by the Commonwealth, to the stockholders, the par value of their stock; and until the Commonwealth shall have made such payment to the president and directors of said company, to be by them distributed among the stockholders, the rights, privileges and franchises of said

The books, &c., of the company to be open to a committee of the Legislature.

Refusal to produce, &c., may be a cause of forfeiture.

Proceedings to ascertain a cause of forfeiture.

The Commonwealth to pay stockholders the par value of stock in case of forfeiture.

Issue of fact to be tried by a jury.

Corporation to pay the expenses incurred by Commissioners out of first instalment.

Railroad to be commenced in two and completed within ten years, and not to remain impassable for two years. See Sup. 13th April, 1846, post, p. 29.

Action against company not to abate by death of plaintiff.

Right reserved to charter another railroad to connect, but not to run parallel with this.

corporation, shall remain as though said judgment and forfeiture had not been pronounced or declared: *Provided, however,* That every issue of fact, which may be joined between the Commonwealth and the corporation, in said proceedings, shall be tried by a jury, summoned by an officer to be named by the court, from the body of the State, and it shall be lawful for the court aforesaid to require and compel the production of such of the books and papers of the corporation on such trial, as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court shall be subject to all the usages of law as in other cases. The first twenty of the commissioners appointed in the first section of this act, or any five of them, shall have authority to convene the commissioners at such suitable time and place as they may designate for that purpose, giving sufficient notice thereof, as the occasion may seem to require. And all reasonable expenses incurred by the commissioners in the performance of the duties by this act imposed, shall be allowed and paid by the corporation out of the first instalment or payment, to be received by the commissioners at the time of subscribing, as hereinbefore provided.

SECTION 25. That if the said company shall not commence the construction of said railroad within two years, and complete and open the same for use, with one or more tracks, within the term of ten years; or if, after the completion, the said railroad shall be suffered to go into decay, and be impassable for the term of two years, then this charter shall be null and void, except so far as relates to the payment of damages.

SECTION 26. That if any person or persons travelling on the road of the said company, or that of any other company in this Commonwealth, shall be wounded by reason of any imperfection or defect in such road, or in the machinery or cars employed on the same, or by the negligence of such company or their agents, no action brought by such person or persons against such company, to recover damages therefor, shall abate by the death of the plaintiff or plaintiffs, but the same shall survive to his or her executors or administrators.

SECTION 27. The Legislature reserves the right to authorize any company hereafter chartered to connect any railroad not running parallel with the same, to be constructed by such company, with the railroad of the said Pennsylvania Railroad Company, at such point or points on said railroad as the Legislature may direct. *Provided,* That no higher rates of toll or of transportation shall be charged by said company, for persons or things having passed, or destined to pass, over such connecting road, than may be at the

same time charged upon persons and things passing over the main line to and from Philadelphia and Pittsburgh.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

Approved the thirteenth day of April, one thousand eight hundred and forty-six.

FRANCIS R. SHUNK,
Secretary's Office, }
Harrisburg, April 16, 1846. }

PENNSYLVANIA, SS. I certify the foregoing to be a true copy of the original Act of Assembly, which remains filed in this office.

{ L. S. } In testimony whereof, I have hereunto set my hand and caused to be affixed the Seal of said Office, the day and year above written.

J. MILLER,
Secretary of the Commonwealth.

AN ACT

SUPPLEMENTARY TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY, PASSED APRIL, EIGHTEEN HUNDRED AND FORTY-SIX.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That nothing in the act to which this is a supplement shall be so construed as in anywise to impair the right of the Legislature to pass such additional laws as may be deemed expedient in furtherance of the objects contemplated by said act, and for the better enforcement of the provisions thereof; and, in case the charter of said company shall be forfeited in the manner therein provided, it shall be competent for the legislature by law to vest the said railroad and appurtenances, and all the estate, real and personal, of the said company, in the Commonwealth, or in another company to be incorporated for that purpose, upon the payment to said Pennsylvania Railroad Company, for distribution amongst the stockholders, according to their several interests, the actual value of their said railroad appurtenances and other property, to be ascertained and appraised by*

Construction of act, to which this is a supplement.

In case of forfeiture, the State to pay the actual value of corporate estate to company.

Charge on ton-
nage a lien.

twelve disinterested persons, acting under oath or affirmation, to be appointed and governed in their proceedings in relation thereto, in such manner as the Legislature shall by law direct. *Provided*, That in case the said company shall at any time fail to pay the toll or charge on tonnage, which may accrue or become due to the Commonwealth, under the provisions of said act, the same shall be and remain a lien on the property of the said company, and shall have precedence over all other liens or incumbrances thereon, until paid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL R. SHERWOOD,
Speaker of the Senate.

Approved the thirteenth day of April, one thousand eight hundred and forty-six.

Secretary's Office,
Harrisburg, April 16, 1846. }

PENNSYLVANIA, SS. I certify the within to be a true copy of the original Act of General Assembly, which remains filed in this office.

{ L. S. } In testimony whereof, I have hereunto set my hand, and caused to be affixed the seal of said office, the day and year above written.

J. MILLER,
Secretary of the Commonwealth.

A FURTHER SUPPLEMENT

TO AN ACT TO INCORPORATE THE PENNSYLVANIA RAILROAD COMPANY, PASSED APRIL THIRTEENTH, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly*

Allegheny county, cities of Pittsburgh and Allegheny, and municipal corporations of Philadelphia county and Philadelphia city, made competent to subscribe for stock.

met, and it is hereby enacted by the authority of the same: That under the provisions of the first section of the act, entitled "An Act to incorporate the Pennsylvania Railroad Company," approved the thirteenth day of April, one thousand eight hundred and forty-six, it shall be competent to the county of Allegheny, the cities of Pittsburgh and Allegheny, and the municipal corporations in the county of Philadelphia, and the said act shall be construed to have authorized the city of Philadelphia to subscribe for shares in the capital stock of said Pennsylvania Railroad Company, and to borrow

money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to said corporations; and no certificate or bond issued shall be for a less sum than one hundred dollars, and shall be transferable only on the books of the respective corporations kept for that purpose; and the certificates of loan or bonds issued, or to be issued, by any such corporations for the purpose aforesaid, bearing an interest of six per centum per annum, payable half-yearly, may be received as cash by the company named in said act, in payment of the instalments on shares subscribed by such corporation; but the total amount of the shares in the capital stock aforesaid, subscribed for by any such corporation, shall not exceed five per cent. on the assessed value of the property subject to taxation for state or county purposes, within the limits of such corporation: *Provided*, That any city or other municipal corporation, or the county of Allegheny aforesaid, may be represented at elections and at other meetings of the said company, by agents duly authorized by the commissioners of said counties, and by the mayor or chief officers of said cities, or other municipal corporations, acting under resolutions passed by the constituted authorities thereof: *Provided also*, That any county, city, or municipal corporation, that shall be possessed of ten thousand or more shares in the capital stock of said company, shall, in lieu of voting at the general elections of said company hereafter, be entitled by the constituted authorities thereof, to elect one director out of the number designated in the act to which this is a supplement, within one month prior to the first Monday in December, for each and every ten thousand shares held by said corporation; but no county or corporation shall be entitled to elect more than three directors, and a majority of the board of directors shall, at all times, be elected by the private stockholders; if at any time the corporations who have subscribed to the stock shall be entitled, under this provision, to more than six directors, then the number of directors to which such corporation (as elect more than one director) is entitled to, shall be reduced in such manner as shall be determined upon by the directors in office, so as to do justice to all: *Provided further*, That all directors elected by said corporations shall be possessed of not less than twenty shares of the stock of said company, in their own right, and shall not be members of the body by which they are elected: *Provided further*, That the tax on tonnage of five mills per ton per mile, from the tenth of March to the first of December, payable to the state treasury under the provisions of the twenty-second section of the act to

Authorized to borrow money.

Amount of such subscription.

Proviso.

Proviso.

When corporations may elect directors. Never entitled to more than three.

Private stockholders always to elect majority of the board.

Proviso.

Proviso. Tax on tonnage. See 22d sec. Act 13th April, 1846.

which this is a supplement, be commuted to a tax of three mills per ton per mile during the whole year; and if, after two years from the completion of the road, the commutation to three mills herein provided shall not yield as much revenue to the Commonwealth as would have been received under the original provision, then the rate of five mills, as originally provided for, may be restored at the option of the Legislature; said tax to cover all freight carried over the road more than twenty miles.

Railroad company to pay interest semi-annually.

SECTION 2. That the directors of the Pennsylvania Railroad Company be and are hereby authorized to pay to the shareholders entitled to receive the same, in the months of May and November, in each year, interest at the rate of six per cent. per annum, on all instalments paid by them, which interest shall be charged to the cost of construction, and continue to pay the same until the said road shall be completed; and that, until the period for which a dividend shall be declared, all the profits and earnings of the said railroad shall be credited to the cost of construction: *Provided*, That no stockholder who has neglected, or who hereafter shall neglect, to pay up the instalments as called for, shall be entitled to receive interest on the same; and the directors of said railroad company are hereby required strictly to enforce the penalty which is provided in the case of delinquencies under the act to which this is a supplement; and the provisoes to the tenth section be and the same are hereby repealed: *Provided further*, That the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized.

Proviso. Stockholder neglecting to pay his instalments not to receive interest. Provisoes to 10th sec. Act 13th April, 1846, repealed. See last proviso to 2d sec. of the original act.

Proviso.

Construction of 11th sec. of act of incorporation.

SECTION 3. That so much of the eleventh section of said act, as prohibits the Pennsylvania Railroad Company from passing through any dwelling-house, shall be construed only to extend to homesteads in possession and occupancy of the owner or owners, and shall not extend to dwellings kept for rent: *Provided*, That full compensation be made to the owner or owners of such buildings, for all damage sustained thereby, the same to be ascertained as in other cases.

Proviso.

Damages, how to be assessed.

SECTION 4. That when the Pennsylvania Railroad Company cannot agree with the owner or owners of any lands or materials, for the compensation proper for the damage done, or likely to be done to, or sustained by any such owner or owners of such lands or materials which said company may enter upon, use, or take away in pursuance of the authority given them, by the act to which this is a supplement, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the court of common pleas of the proper county, on application

thereto, by petition, either by said company or owner or owners, or any one in behalf of either, shall appoint five disinterested persons of the next adjoining county or counties, none of whom shall be residents of any of the counties through which said railroad shall pass, and to fix a time, not less than twenty, or more than thirty days thereafter, for said viewers to meet upon the premises where the damages are alleged to be sustained, of which time and place ten days' notice shall be given by the party petitioning to said viewers, and to the other party, and the said viewers having been first sworn or affirmed by some power competent to administer oaths, faithfully, justly and impartially to decide, and true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act; and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be taken and occupied, or the materials so used or taken away, or to be used or taken away, as the case may be, and having a due regard to, and making just allowances for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said lands or materials, in consequence of the opening or making of said railroad, or the construction of works connected therewith; and after having made a fair and just comparison of said advantages or disadvantages, they shall estimate and determine whether any, and if any, what amount of damages have been sustained or may be sustained, and to whom payable, and make report thereof to the court; and if any damages be awarded, and the report be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid, execution may issue thereon as in other cases of debt, for the sum so awarded; and the cost and expenses incurred shall be defrayed by said railroad company; and the said viewers shall be entitled to two dollars per day for each of them, for the time necessarily employed in performing the duties hereinbefore prescribed: *Provided*, That nothing herein contained shall authorize the said company to enter upon any lands, or take any property without making compensation to the owners of said property, or give adequate security therefor: *And provided*, That if either, or all of the judges of the court of common pleas aforesaid, is or are interested in the said railroad as officers, stockholders, contractors or otherwise, then the viewers aforesaid shall be selected and appointed by the sheriff and commissioners of the proper county, in like manner and with like powers, as if appointed by the court of common pleas: *Provided*

Court of common pleas of proper county to appoint viewers.

See 1st sec. of an act entitled "A further Supplement," &c. approved 26th April, 1850, post, p. 37.

Judgment and execution for the damages.

Compensation of viewers. See post, p. 37.

Proviso.

Proviso. When judges are interested.

When tender of damages will relieve from costs.

further, That if the proper officer of said company, at any time before application made by either party for the appointment of viewers, in the manner hereinbefore directed, shall tender to the owner or owners of said lands or materials a sum of money, in full compensation for his or their said damages, said company shall not be liable for costs on any subsequent proceedings, unless such owner or owners of land or materials shall be awarded a larger sum than the previous tender of said company: *Provided*, That in all cases where proceedings have been instituted under the twelfth section of the act of the thirteenth April, one thousand eight hundred and forty-six, the same shall be continued and proceeded in according to the provisions of the aforesaid act.

Proviso.
See declaratory Act 5th April, 1849; post, p. 36.

Crossing or occupying turnpike roads, to reconstruct the same.

SECTION 5. That if said railroad company shall find it necessary to change the site of any portion of any turnpike or public road, they shall cause the same to be reconstructed forthwith, at their own proper expense, on the most favourable location, and in as perfect a manner as the original road: *Provided*, That the damages incurred in changing the location of any road authorized by this section, shall be ascertained and paid by said company, in the same manner as is provided for in regard to the location and construction of their own road.

See Sup. 20th March, 1849; post, p. 35.

Construction of first proviso of 11th sec. of act of incorporation.

SECTION 6. That the first proviso contained in the eleventh section of the act to which this is a supplement, shall be so construed as to extend exclusively to such tonnage as shall have, under the twenty-second section of said act, become liable to taxation on its transit over the Pennsylvania Railroad, and that said road, referred to in said proviso, shall terminate at or near the city of Pittsburgh.

To connect with Allegheny Portage Railroad.

SECTION 7. That the said Pennsylvania Railroad Company be and are hereby authorized to connect their railroad with the Allegheny Portage Railroad, by the most practicable route, at such points at or near Hollidaysburg and Johnstown, as may be agreed upon with the canal commissioners.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WILLIAM WILLIAMSON,
Speaker of the Senate.

Approved the twenty-seventh day of March, one thousand eight hundred and forty-eight.
FRANCIS R. SHUNK.

A SUPPLEMENT

TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY.

WHEREAS, The Legislature, by the fifth section of an act passed the twenty-seventh March, one thousand eight hundred and forty-eight, entitled "A further supplement to an act to incorporate the Pennsylvania Railroad Company," did provide, That if said railroad company shall find it necessary to change the site of any portion of any turnpike or public road, they shall cause the same to be reconstructed forthwith, at their own proper expense, in the most favourable location, and in as perfect a manner as the original road; but there is no provision made for compelling the said company to comply with this law; therefore,

Preamble.

SECTION '1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That if in the construction of their road by the Pennsylvania Railroad Company, it shall have been or may hereafter be necessary to change the site of any portion of any turnpike or public road, when the necessary time shall have elapsed to have enabled the said railroad company to comply with the provisions of the fifth section of the act of the twenty-seventh March, one thousand eight hundred and forty-eight, requiring them to re-construct such turnpike or public road, it shall be the duty of the court of Quarter Sessions of the county in which such turnpike or public road shall be located, upon the petition of the company owning the said turnpike, or of any twelve or more citizens of the township in which the said public road may be, to appoint three competent persons, citizens from an adjoining county, through which the said road does not pass, as viewers, whose duty it shall be to view the place where the said turnpike or public road was, and make report to the said court at their next session, whether the said Pennsylvania Railroad Company have complied with their duty in making said turnpike or public road, as they are required by the said law to do; and if the said viewers shall report to the said court that the Pennsylvania Railroad Company has complied with the provisions of the said act of Assembly, and the said report shall be approved by the court, an order shall be then made, that the costs and expenses of the said view shall be paid by the petitioners; but if the said viewers shall report to the said court, that the said company has not complied

When the site of any portion of a turnpike or public road is changed, and not reconstructed within the proper time, application to be made to the court of Quarter Sessions.

Who to make the application.

Viewers to be appointed, and their duties.

Order of court when viewers report that the railroad company has complied with act of Assembly.

Who to pay costs.

Order when report is against the company.

with the provisions of the said act of Assembly, and the said report shall be approved by the court, the expenses thereof shall be paid by the said railroad company; then it shall be the duty of the said court to order and decree that the said turnpike or public road, as the case may be, shall be made, finished and completed as the said Pennsylvania Railroad Company, by the provisions of the said fifth section of the act of twenty-seventh March, one thousand eight hundred and forty-eight, were bound to finish and complete the same: *Provided*, That if either party shall be dissatisfied with the decree, they may have the right to a review under the provisions of this act.

Right to a review.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

Approved the twentieth day of March, one thousand eight hundred and forty-nine.

WILLIAM F. JOHNSTON.

AN ACT

DECLARATORY OF THE FOURTH SECTION OF AN ACT SUPPLEMENTARY TO THE CHARTER OF THE PENNSYLVANIA RAILROAD COMPANY, APPROVED MARCH TWENTY-SEVENTH, ONE THOUSAND EIGHT HUNDRED AND FORTY-EIGHT.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That

Construction of the last proviso to the 4th sect. of Supplement of 27th March, 1848, ante, p. 34.

the last proviso to the fourth section of the supplement to the act to incorporate the Pennsylvania Railroad Company, passed the twenty-seventh day of March, one thousand eight hundred and forty-eight, shall be so construed, that those cases wherein proceedings have been commenced under the twelfth section of the act of the thirteenth of April, one thousand eight hundred and forty-six, and have been proceeded in, shall be continued to final judgment and execution under and according to the provisions of the act of one thousand eight hundred and forty-six, which, as well as the said proviso, shall remain in full force for that purpose.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

Approved the fifth day of April, one thousand eight hundred and forty-nine.

WILLIAM F. JOHNSTON.

A FURTHER SUPPLEMENT

TO THE ACT INCORPORATING THE PENNSYLVANIA RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That the viewers appointed for the purpose of assessing damages in pursuance of the act of the twenty-seventh of March, Anno Domini one thousand eight hundred and forty-eight, entitled "An act to incorporate the Pennsylvania Railroad Company," be entitled to receive as a compensation two dollars per day while engaged in said business; that one or more of said viewers shall have power to adjourn from day to day, and that a majority of the said viewers so appointed shall have power to view and assess damages, and to report as fully and with like effect as though all were present. *And provided further,* That a penalty of ten dollars be imposed on any of the said viewers who shall neglect or refuse to attend after appointment, and due notice at the time and place named, unless unavoidably prevented; said penalty to be recoverable before any justice of the peace as debts of similar amount are recoverable for the use of the person suing for the same.

Compensation
of viewers, and
their powers.

Penalty of ten
dollars for neg-
lect of duty.

SECTION 2. That hereafter the stockholders of the said Pennsylvania Railroad Company shall meet on the first Monday of February in every year, and that so much of the fourth section of the act, entitled "An act to incorporate the Pennsylvania Railroad Company," approved the thirteenth day of April, one thousand eight hundred and forty-six, as prescribes the first Monday in December as the day of the annual meeting is hereby repealed.

Stockholders to
meet on the 1st
Monday of Feb-
ruary, annually.

SECTION 3. That at each annual meeting of the stockholders of said company, the president and directors for the year preceding, shall lay before them a full and complete statement of the affairs of the company for the year ending on the last day of December immediately preceding, and that so much of the nineteenth section of the act aforesaid as prescribes the last day of October as the day to which such statement shall be completed, is hereby repealed.

At the annual
meetings, presi-
dent and direc-
tors to report to
the stockhold-
ers up to the
last of December
immediately
preceding. See
sect. 19th, act of
Incorporation.

Approved the twenty-sixth day of April, one thousand eight hundred and fifty.

AN ACT

TO INCORPORATE THE SOUTHERN GAS COMPANY, AND RELATIVE TO THE APPRAISERS OF TAVERN LICENSES IN THE CITY AND COUNTY OF PHILADELPHIA.

Subscription by municipal corporations may be by vote of a majority of the commissioners.

Subscriptions to be paid in certificates of loan at par. Certificates not to be taxed except for state purposes.

SECTION 11. That the authority given to municipal corporations to subscribe to the stock of the Pennsylvania Railroad Company, by the supplement to an act entitled "An act to incorporate the Pennsylvania Railroad Company, approved March twenty-seventh, one thousand eight hundred and forty-eight," shall be granted by a majority of the Board of Commissioners of the several districts therein referred to, provided said railroad company will take in payment of such subscriptions the certificates of loan of said corporations at par, which certificates shall be exempt from taxation, except for state purposes.

Approved the fifteenth day of May, one thousand eight hundred and fifty.

AN ACT

TO AUTHORIZE THE BALTIMORE AND OHIO RAILROAD COMPANY TO CONSTRUCT A RAILROAD THROUGH PENNSYLVANIA, IN A DIRECTION FROM BALTIMORE TO THE OHIO RIVER, AT THE CITY OF PITTSBURGH.

Assent of the Commonwealth given to the company to continue their road to Pittsburgh.

Proviso.
Semi-annual statement of tonnage, &c., to transmit to state treasurer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the assent of this Commonwealth be and the same is hereby given and granted to the Baltimore and Ohio Railroad Company, incorporated by an act of the Legislature of the State of Maryland, passed on the twenty-eighth of February, Anno Domini one thousand eight hundred and twenty-seven, entitled "An Act to incorporate the Baltimore and Ohio Railroad Company," to locate, and construct and maintain a continuation of the railroad of the said company from the town of Cumberland, in the State of Maryland, to the city of Pittsburgh, under and subject to the provisions, conditions and restrictions hereinafter enacted: *Provided,* That within six months after the completion of said railroad to Pittsburgh, and semi-annually thereafter, the proper officers or agents of the said Balti-

more and Ohio Railroad Company shall make out, under oath or affirmation, and transmit to the treasurer of this State, a statement, exhibiting the amount of tonnage, of whatsoever kind or description, and the number of passengers that may have passed over the entire length of said road, between Pittsburgh and Cumberland, during the preceding six months; and that they shall also, at the same time, pay into the treasury of this Commonwealth, a tax or duty, on all tonnage, of whatsoever kind or description, except the ordinary baggage of passengers, that may have passed over the entire length of said road, between Cumberland and Pittsburgh, during the last preceding six months, at such rate as the Legislature may hereafter direct, not exceeding three mills per ton of two thousand pounds, per mile; and for shorter distances, exceeding twenty miles, at the same rate and in proportion thereto; and also pay into the treasury aforesaid, at the same time, a tax or duty on all passengers that may have passed one hundred miles or more of said road, between the aforesaid points, during the last preceding six months, at such rates as the Legislature may hereafter direct, not exceeding fifty cents for each passenger, until a railroad shall be constructed, connecting the Columbia Railroad with the said Baltimore and Ohio Railroad, by means of the Cumberland Valley or any other railroad; and when such connecting road shall be constructed, the said tax or duty on passengers shall not exceed twenty-five cents for each passenger; and the Legislature hereby reserves the right to adopt such additional measures, to secure a faithful compliance with the conditions of this proviso, as may hereafter be deemed necessary and right: *And provided also*, That if it shall be deemed necessary, the governor of this Commonwealth may appoint a State agent or agents, not exceeding one for each train of cars, who shall have the right to travel at all times on said road, between Cumberland and Pittsburgh, in the cars or other vehicles of said company, as shall or may be used for the transportation of passengers, free of any charge; and who shall have free access, at all times, to examine and inspect the books, accounts, way-bills of freight, permits, manifests, and all such other books and papers of the said company as may be necessary and proper to enable the said agent or agents to ascertain and keep a true and just account of all the goods, wares, merchandise and tonnage, of every kind and description, that shall or may be carried or transported on or over said road, between Cumberland and Pittsburgh, and the number of passengers travelled on the same: *And provided also*, That if a greater number of agents on said road shall be required by any act of the Legislature of Penn-

509
Tax of 3 mills per mile on each ton of merchandise payable to Pennsylvania.

Fifty cents on each passenger payable to Pennsylvania.

Twenty-five cents on each passenger after a connection with Columbia Railroad.

Governor may appoint State agents.

Proviso.

This act shall not go into effect before July 30, 1847.

If three millions be subscribed to Pennsylvania Railroad, and letters-patent issued within one year, and 30 miles put under contract, and evidence thereof furnished to the governor before July 30, 1847, this act to be null and void.

Provided one million be paid into the treasury of the company on or before July 30, 1847, and 15 miles from Pittsburgh be placed under contract before July 30, 1847.

sylvania, the governor may appoint an additional number, who shall have a right to pass free of charge as aforesaid: *And provided also,* That this act shall not go into effect before the thirtieth day of July, eighteen hundred and forty-seven; and if the Legislature, during its present session, should pass an act incorporating a company, with authority to construct a railroad from Harrisburg to Pittsburgh, within the limits of this State, and three millions of dollars should be *bona fide* subscribed to the stock of said company, and ten per cent. on each share be actually paid in, and letters-patent be issued by the governor, in conformity to the provisions of said act, within one year from the passage thereof; and if thirty miles or more of said railroad should be put under contract for construction, and satisfactory evidence thereof be furnished to the governor, on or before the said thirtieth day of July, eighteen hundred and forty-seven, then in that case the governor shall issue his proclamation, setting forth that fact; and thereupon this act, granting the right of way to the Baltimore and Ohio Railroad Company, to extend their road through this State to the Ohio River, at Pittsburgh, shall be null and void, otherwise to remain in full force and virtue: *Provided, however,* That the preceding proviso shall be of no force or effect, unless the stockholders of the said Pennsylvania Railroad Company shall pay into the treasury of said company one million of dollars, on account of stock subscribed, on or before the thirtieth day of July, one thousand eight hundred and forty-seven: *And provided further,* That at least one-half of the portion of the railroad of the said company, which is hereinbefore required to be put under contract for construction, before the said thirtieth day of July, one thousand eight hundred and forty-seven, shall be at the western terminus thereof, commencing at the city of Pittsburgh, and extending eastwardly.

Location.

SECTION 2. That the said railroad shall enter this State by way of Wills' Creek, in the county of Bedford, and leaving said stream at such point as may be deemed most suitable, proceeding in a direction westward, and shall be located north and east of the Monongahela River, by such route as the said company may deem expedient; and the said company shall proceed to construct the said road, upon the like principles and plans, and under and subject to the same regulations, powers, immunities, privileges, conditions and restrictions, as are given, granted, enjoined and provided in the said act of the State of Maryland, so far as the same, or any clause or part thereof, may not be inconsistent with this act: *Provided,* That the track of said railroad shall correspond in width with the Philadel-

Proviso.

phia and Columbia Railroad, so as to admit the cars thereof to pass over said Baltimore and Ohio Railroad from the place of connection hereafter provided for: *Provided*, That no lateral road, exceeding one mile in length, shall be made or caused to be made, purchased or caused to be purchased, leased or rented by said company, within the State of Pennsylvania, without the consent of the Legislature thereof: *And provided further*, That no sum or sums of money shall be borrowed by said company, for which a certificate for a less amount than fifty dollars shall be issued; and that the said company shall not, either in the State of Maryland, Virginia, or Pennsylvania, make, issue, or utter, or cause to be made, issued, or uttered, any certificate or note of any amount whatsoever, calculated for, or intended as a circulating medium: *Provided also*, That the said company shall not construct, or cause to be constructed, any lateral railroad, having for its object a connection with the Ohio River below the city of Pittsburgh, without the consent of Pennsylvania: *And provided*, That nothing herein contained shall be construed to prevent the said company from constructing a branch of their road, from some point thereon, between Connellsville and Virgin Run, to the national road, at or near the borough of Brownsville, in this State.

SECTION 3. That full right and privilege is hereby reserved to this Commonwealth, to the Franklin Railroad Company, or any company or companies which now are, or may hereafter be incorporated by the Legislature of this Commonwealth, to connect with and intersect the said railroad by any other railroad or railroads, canal or canals, or other works, at any point or points, either in the said Commonwealth, or in the States of Maryland or Virginia; and the acceptance of this act by the said Baltimore and Ohio Railroad Company, shall be deemed and taken as the assent of the said company to such connection and intersection: *Provided*, That the said Baltimore and Ohio Railroad Company shall not be entitled to any of the privileges, or enjoy any of the benefits conferred by this act, until the State of Maryland shall, by law, extend the rights and privileges granted by the sixth section of the act of the State of Maryland, passed April first, one thousand eight hundred and thirty-six, entitled "A Supplement to an Act entitled 'An Act to incorporate the Susquehanna and Patapsco Canal Company,' passed December session, one thousand eight hundred and twenty-five," to the State of Pennsylvania, or such person or persons, or company, as may be appointed by the State of Pennsylvania, so as to give the said State of Pennsylvania, person or persons, or company, like

powers and privileges as are conferred by the said sixth section of the act to construct, use, control, repair and preserve a railroad from the Pennsylvania State line, or from Hagerstown, through such portions of the State of Maryland, not further west than Hancock, or further east than Williamsport, as may be selected by said State of Pennsylvania, or such person or persons, or company, authorized by the said State of Pennsylvania, so to do, as most eligible and convenient to form a connection with the Baltimore and Ohio Railroad; nor shall the said company transport any produce or merchandise, on any part of their road within this Commonwealth, except the baggage of passengers, until the right shall be secured to the State of Pennsylvania, or to any company which shall be incorporated for that purpose, by the said State, to construct a railroad with one or more tracks, through the State of Maryland, and to connect with the said Baltimore and Ohio Railroad, at any point in the State of Maryland or Virginia, not farther east than Williamsport and Martinsburg, nor farther west than Hancock, without any other restrictions than such as are contained in the said sixth section of the act, entitled "A Supplement to an Act, entitled 'An Act to incorporate the Susquehanna and Patapsco Canal Company,' passed December session, one thousand eight hundred and twenty-five;" and with the privilege of erecting the necessary buildings and depots in the State of Virginia, at the point of intersection, for the accommodation of the business of the connecting road: *Provided*, That if a railroad shall be constructed, connecting the Cumberland Valley Railroad with the said Baltimore and Ohio Railroad, within the territory of Pennsylvania, then the foregoing proviso, or so much thereof as prohibits the transportation of produce and merchandise, shall be void and of no effect.

Proviso.

Permission to
pass cars.

SECTION 4. That the cars which may be used on any connecting railroad that may be constructed under the provisions of this act, together with their contents, shall be permitted to pass over the said Baltimore and Ohio Railroad, or any part of it, to, from, and upon such connecting road; and the said Baltimore and Ohio Railroad Company shall furnish sufficient motive power for the transportation thereof, at convenient and stated hours, in the same manner and under the same regulations adopted for the transportation of their own cars, with their contents of like character, between Baltimore and Pittsburgh, so that no transshipment of passengers or tonnage, or the baggage of passengers, shall be required at the place where such road may connect with the said Baltimore and Ohio Railroad, or between such place and the city of Pittsburgh, and so

that there shall be no unreasonable or unnecessary detention in transporting the same to or from such connecting road: *Provided*, Proviso. That the said company shall, at no time, charge a higher rate of toll on or for the transportation of cars, persons or property, of any kind, from Pittsburgh to such connecting road, or from such connecting road to Pittsburgh, any higher rate per mile, than shall at the same time be charged on cars, persons or property, of the same kind, transported over the whole length of the said Baltimore and Ohio railroad, between Baltimore and Pittsburgh.

SECTION 5. That the said company may sue and be sued, in like manner as other corporate bodies within this Commonwealth sue and are sued, and in all matters and things which may in any way relate to or concern the exercise or abuse of the rights, privileges, powers and franchises hereby granted; and also, in all things which may relate to, or concern a compliance with, or a breach of the conditions and provisions of this act, the said company shall be subject to, and under the control of the authorities of Pennsylvania, as if the said company had been created by a law of this Commonwealth; and in any suit, action or proceeding at law against the said company, the process may be served within the proper county or district, upon any officer or agent of the said company. Powers and privileges.

SECTION 6. That it shall be the duty of the president and managers of said company, so soon as said railroad is completed from Cumberland to Pittsburgh, to prepare a full and accurate account of the costs of said railroad from Pittsburgh to the Maryland line, authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the Auditor General of this Commonwealth, who shall file the statement in his office. A statement of cost of construction to be filed in Auditor General's office.

SECTION 7. That the stock of said company, to an amount equal to the cost of the construction of that part of their road situated in Pennsylvania, shall be subject to taxation, by this Commonwealth, in the same manner, and at the same rate as other similar property is or may be subject; and it shall be the duty of the said company to cause their treasurer, upon the declaration of any dividend, after the road shall have been completed to Pittsburgh, to retain out of said dividend, and pay into the treasury of this State, any tax to which said proportion of stock is liable; and said company shall annually, in the month of January, make a statement to the Legislature, under the oath or affirmation of the president thereof, of its affairs, and the business done upon said road during the previous year; said statement to contain a full and accurate account of the number of passengers, amount and weight of produce, merchandisef Stock subject to taxation.

lumber, coal and minerals transported on said road east of Pittsburgh and west of Cumberland.

Proceedings to
ascertain
damages.

SECTION 8. That the mode of ascertaining damages which may be sustained by persons in consequence of said railroad passing through their lands, or by the taking of materials to construct or repair the same, shall be the same in Pennsylvania as is provided for in the fifteenth section of the act of Maryland aforesaid, for like damages done in that State; and the provisions of the sixteenth and seventeenth sections of the said act of Maryland shall also be extended to that part of the said road which may be in Pennsylvania, excepting the word "timber," in the said fifteenth section, which material shall be obtained of the owner only by agreement or purchase; and in all cases of assessed damages, where the title to the land is in dispute, or where the parties are dissatisfied with the finding of the jury, or the owner, his agent or attorney, duly authorized to receive the amount of damages, cannot be found for the space of three months after the assessment, the said amount shall be paid into the court of the proper county, by the said company, on the expiration of the said term of three months, for the use of the person or persons who may be lawfully entitled thereto: *Provided*, That the owners of the said real estate and materials, or the company, if dissatisfied with the report of the jury, shall have a right to appeal from the award of the said jury within twenty days after the confirmation of the same, by the court, on complying with the provisions of the act of Assembly of the sixteenth June, one thousand eight hundred and thirty-six, entitled "An Act relating to reference and arbitration;" and said appeal shall afterwards be tried by a jury, as in other causes, whenever appeals have been entered; but in case the said company be the appellant, the appeal shall be entered under the provisions of the act of Assembly of this Commonwealth, passed twenty-second March, one thousand eight hundred and seventeen, entitled, "An Act relative to suits brought by or against corporations:" *Provided*, That nothing herein contained shall authorize the said company to enter upon any lands, or take any property, without making compensation to the owners of said property, or giving adequate security therefor.

Proviso.

Proviso.

Penalty for
injuring works.

SECTION 9. That if any person or persons shall wilfully injure, impair or destroy, or cause to be injured, impaired or destroyed, any part of the said railroad, or any of the property of the said company in this Commonwealth, such person or persons so offending, shall, each of them, for every such offence, forfeit and pay to the said company, a sum not exceeding five hundred dollars, which

may be recovered in the name of the said company, by action of debt, in the court of Common Pleas of the county wherein the offence shall have been committed; and shall also be subject to indictment in the court of Quarter Sessions of such county; and upon conviction of such offence, shall be punished by fine and imprisonment, in the discretion of the court.

SECTION 10. That if the said company misuse or abuse the privileges hereby granted, the Legislature reserve the right to repeal this act; and for the purpose of ascertaining whether the provisions of this act have been misused or abused, it shall be lawful for the Legislature to direct, or the Governor to order a *scire facias* to be issued out of the Supreme Court of Pennsylvania, of the western district, (which shall be executed by the sheriff of any county of this Commonwealth, upon the president, or any officer or agent of said corporation, at least twenty days before the commencement of the term of said court,) calling on the said corporation to show cause wherefore the act hereby granted shall not be declared null and void; and the said court shall have power to summon a jury from the body of any county within the Commonwealth, to try all questions of fact which may arise in the hearing upon such writ of *scire facias*, and a full copy of the proceedings, judgment and opinion of the said court shall be certified to the Governor, to be by him communicated to the next succeeding Legislature.

SECTION 11. That the supplement to an act to authorize the Baltimore and Ohio Railroad Company to construct a railroad through Pennsylvania, in a direction from Baltimore to the Ohio River, approved twentieth June, one thousand eight hundred and thirty-nine, and the act to which it was a supplement, be and the same are hereby repealed.

SECTION 12. That if the railroad by this act authorized to be constructed by the said Baltimore and Ohio Railroad Company, be not commenced within two years from and after the thirtieth July, eighteen hundred and forty-seven, and finished within twelve years from the date of this act, then this act shall be null and void; the Legislature hereby reserving the right to alter, revoke or annul the privileges herein conferred, whenever, in their opinion, the interests of the Commonwealth may require it; in such manner, however, that no injustice shall be done to the Baltimore and Ohio Railroad Company.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

Approved the twenty-first day of April, one thousand eight hundred and forty-six.

FRANCIS R. SHUNK.

AN ACT

TO INCORPORATE THE PITTSBURGH AND CONNELLSVILLE RAIL-ROAD COMPANY.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That

Commissioners. W. W. Fetterman, William Bell, N. B. Craig, John Morrison, William G. Alexander, Benjamin Bakewell, James Ross, Jr., Charles Shaler, Alexander Brackenridge, John Shoenberger, George Darsie, William Addison, Lewis Patterson, Jacob Forsyth, Thomas S. Clark, Sylvanus Lothrop, A. Galway, William Holmes, George A. Cook, James S. Craft, William W. Irwin, John D. Baird, Benjamin Darlington, Charles Avary, John M. Snowden, E. Henderson, William Wade, Christopher Magee, Isaac Lightner, O. O. Gregg, Hezekiah Nixon, S. P. Darlington, George Wallace, James Patterson, Hugh Duff, William A. Penneman, Samuel Frew, A. N. M'Dowell, Hugh Fergus, E. Percival, Garret Wall, Fauntley Muse, Mathew Henderson, Henry H. Peterson, William Ripley, Andrew Watson, of the county of Allegheny; John C. Plumer, Joseph Markle, Joseph Budd, John Hitchman, Evan Findlay, Charles Fullwood, William Bell, Samuel H. Montgomery, Joseph Smith, Archibald Boyd, David Bennet, George Plumer, Randel Johnston, James Bell, Benjamin Stewart, John Niccols, Joseph Stokely, Joseph P. Weddle, Henry Fulton, John Morgan, of the county of Westmoreland; John Fuller, James C. Cummings, Samuel Marshall, Joseph Torrance, William L. Miller, Thomas G. Ewing, John Doogan, Thomas Foster, Daniel Rogers, Joseph Rogers, Alexander Johnston, Samuel Evans, William Davidson, Henry Blackston, Herman Gebhart, William Espy, William Andrews, David B. Long, John M. Burny, Robert Smilie, Robert Bleakley, Robert Long, John W. Phillips, John P. Gibson, Jacob Weaver, James Paul, Jr., David A. C. Shenard, Col. John Bute, John M. Austin, Nathaniel Ewing, Henry W. Beeson, William B. Roberts, John Dawson, Joseph Paull, James Piper, Urich Springer, Isaac Wood, William Crawford, Andrew Stewart, James Fuller, Person Cope, Daniel Gallintine, Philip Lucas, Joseph H. Cunningham, Joseph Pennock, William Murphy, George M'Cray, Henry Smith, William Bryson, Thomas Rankin, of the county of Fayette; John Miller, Joseph Hershimer, Peter Buddy, Samuel Gorger, Michael Riter, Robert Evans, John Winpenny, Henry Leech, Jonathan Miller, Frederick Sorber, Benjamin Sage, R. B.

Knight, Charles Himman, Miles N. Carpenter, John Carns, Daniel Newman, N. Morselles, Detworth Wentz, Samuel J. Pearson, Benjamin E. Carpenter, Adam Stimmetz, John J. M'Cahen, John T. Smith, (tanner,) Hugh Clark, Edward D. Martin, Joseph R. Chandler, John Tierney, John H. Frick, Jacob B. Coats, George H. Hart, Benjamin Mifflin, Joseph C. Neal, Willis Hubbard, A. M. Peltz, of the county of Philadelphia, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say; they, or any of them, shall procure a sufficient number of suitable books, and in each of them enter as follows: "We and each of us, whose names are hereunto subscribed, do promise to pay to the Pittsburgh and Connellsville Railroad Company, the sum of one hundred dollars for every share of stock set opposite our respective names, and by us respectively subscribed, in such manner and proportions, and at such times, and at such places, as shall be determined and directed by the said directors, in pursuance of an act entitled 'An act to incorporate the Pittsburgh and Connellsville Railroad Company.' Witness our hands, the day of _____, in the year of our Lord, one thousand eight hundred and thirty-_____, and shall give at least twenty days' previous public notice, in two of the papers printed in the city of Pittsburgh, and two in the counties of Westmoreland and Fayette, of the times when, and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every judicial day, for the space of three days, or until there shall be subscribed in the said books six thousand shares: *Provided*, If at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may seem to them to require; but no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars on each share, for the use of the company.

Commissioners.

To procure books.

Form of subscription.

Price of shares \$100 each.

Notice.

Who may subscribe.

6000 shares.

Proviso.

SECTION 2. When two thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or any ten of them, shall certify the same, under oath or affirmation, to the governor of this Commonwealth,

\$5 to be paid at the time of subscribing.

Letters-patent.	and on receipt of such certificate, the governor shall, by letters-
Style and title.	patent, under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Pittsburgh and Connellsville Railroad Company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements, and hereditaments, goods, chattels, and all estate, real, personal, and mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and make dividends of such portions of the profits as they may deem proper; and also, may make and have a common seal, and the same alter and renew at pleasure, and generally may do all and singular, the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation, and the due management and ordering of the affairs and business of the same: <i>Provided</i> , That nothing herein contained shall be construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to making and maintaining of the said railroad, and to the conveyance of passengers; and the storage and transportation of goods, merchandise and commodities thereon.
Privileges and powers.	
Seal.	
Proviso.	
Prohibiting banking and other privileges.	
Election of directors.	SECTION 3. That for the management of the affairs of the said corporation, twelve directors shall be elected, by ballot, annually, by the stockholders of the said company, the votes to be delivered in person or by proxy, duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the laws of the United States and of this Commonwealth, as may be necessary for the well-ordering of the affairs of the said company: <i>Provided</i> , That none but stockholders shall be eligible to be elected directors, and that at every such election, and in all cases in which the stockholders shall be called upon to vote, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she may hold, in the proportions following: for each share not exceeding ten shares one vote, and for every five shares above ten and not exceeding
Proviso.	
Ratio of votes.	

thirty, two votes, and for every five shares above thirty and not exceeding fifty, one vote, but no share above fifty, as aforesaid, shall confer any additional right of voting; and also, that in all cases of election for directors, the twelve stockholders having the greatest number of votes shall be declared duly elected: *And provided also,* 2d Proviso. That no share or shares of stock shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalments or arrearages may have been due and payable, more than twenty days previously to the said election or meeting, and that all votes by proxy shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An Act to regulate proxies." *Provided,* That all proxies 3d Proviso. shall be dated within sixty days of the election at which the same shall be presented.

SECTION 4. The aforesaid commissioners, or any ten of them, shall, as soon as practicable after the said letters-patent shall have been obtained, give at least fifteen days' previous public notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing twelve directors, as provided for in the preceding sections, and that annually thereafter they shall meet on the first Monday of December, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided,* That if, from any cause, such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also,* That in case of vacancy, from death or resignation, of any director, his place shall be filled by the board of directors. Organization. Annual election. Proviso. 2d Proviso.

SECTION 5. The said directors shall meet at such times and places, and be convened in such manner, as they shall hereafter agree upon; seven directors shall be a quorum for the transaction of business, who in the absence of the president may appoint a president *pro tem.*; the said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner, and proportions in Meetings of the directors. Quorum. Secretary and treasurer, and other officers. Security may be demanded. Power to enforce payment of instalments, &c.

which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of said company, the share or shares of every person failing to pay any instalment so required, or bring suit for the recovery thereof, against the original subscribers of the stock, or their assignees, which assignees shall be held liable as if original subscribers, for any instalment which may be required to be paid after the date of their assignment, whether it be by endorsements of certificates or otherwise, to regulate tolls, to make such covenants, contracts and agreements, with any person, copartnership, or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company: *Provided*, That if the said directors shall refuse to call in any instalment remaining unpaid on said capital stock, for one year after the funds paid in are exhausted, for the purpose of enabling them to satisfy debts due by the company, the said directors shall be personally responsible therefor.

Proviso.

Certificates.

SECTION 6. The directors first chosen, as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the president, countersigned by the treasurer, and sealed with the common seal, subject, however, to all the payments due or to grow due thereon, which stock shall be transferable, in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws.

Transfer.

Statement of affairs.

SECTION 7. At each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of any three directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying, moreover, the object of the meeting, but no business shall be transacted at such special meeting, unless a majority of the stockholders shall attend, in person or by proxy.

Special meetings.

Route of the railroad to be from Pittsburgh by the course of the Monongahela and Youghiogheny rivers, to Connellsville, or near it.

SECTION 8. The said company be, and they are hereby authorized, as soon as they can conveniently, to locate and construct a railroad, of one or more tracks, from the city of Pittsburgh, by the course of the Monongahela and Youghiogheny rivers, to some suitable point at or near Connellsville, and to join or intersect at that point, or any other practicable point, any other improvement, either by canal or railroad, and to make, construct and erect such warehouses, toll-

houses, carriages, cars, and all other works and appendages necessary for the convenience of the said company, in the use of the said railroad: *Provided*, That the said railroad shall not pass through or over any burial ground, or the ground belonging to any place of public worship, intended for that purpose, or any dwelling-house, without the consent of the owner thereof; and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the secretary's office of this State, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may be then opened, and all expenses incurred thereby shall be defrayed by the said company.

Proviso.

Map or plot of survey.

SECTION 9. It shall be lawful for said president, directors and company, and their agents, and all persons employed by or under them, for the purpose contemplated by this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purpose of searching for stone, gravel, wood, or other materials for constructing said road, but no stone, sand, gravel, or wood shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter mentioned, as to the compensation for lands over which the said road may be laid.

Right of entry upon lands for materials.

SECTION 10. That whenever it shall be necessary for the said president, directors and company, to enter in and upon, and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry or occupation, and the parties cannot agree on the compensation to be made for any injury, or supposed injury, that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall be [required] under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers, shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within ten days after the requisition for that purpose upon him, or if such owner shall be

Mode of ascertaining damages.

Oath and duty of appraisers.

femme covert, under age, non compos mentis, out of the State, or unknown, then it shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested men of said county to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury and damage, if any, that in their apprehension will be sustained, as aforesaid, by reason of said road, and report the same, under their oaths and affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the viewers

Fees of viewers.

shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury and damage, to take into consideration the advantages that will be derived to the owner or owners of the said land, from the said railroad: *Provided*, That either party may appeal to

Proviso.

the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year eighteen hundred and ten, and upon the coming in of such report, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for the use of said lands, or for the injury sustained as aforesaid, the said company, and they and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, Upon the payment, or tender of payment by the

2d Proviso.

said company, of the sum specified in the report of said viewers or appraisers, to the owners of said lands, the said president and directors of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as hereinbefore prescribed.

Use of public roads shall not be obstructed.

SECTION 11. The said railroad shall be so constructed by the said company, as not to obstruct the free use and passage of any public road or roads that may cross or enter the same, being laid out, or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the company to make, or cause to be made, a good and sufficient bridge, causeway or causeways, to enable all persons passing or travelling such public road, to cross, or pass over or under the said railway, which bridge, causeway or causeways, shall be made and maintained by the said company, and if the said company

Public causeways.

shall refuse or neglect to make such bridge, causeway, or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, to be recovered by the supervisors of the township, or the officers of any incorporated company, with costs, for the use of the township or company, as debts of like amount are by law recoverable, and shall moreover be liable to an action or actions, at the suit of any person who may be aggrieved thereby, and the service of process upon any officer of said company shall be as good and available in law, as if served upon the president thereof: *Provided*, That no obstruction whatever shall be placed on or across any stream now declared a public highway, so as to impede or interfere with the full and free navigation thereof, or to change the direction of any stream or watercourse not declared a public highway, so as to affect the rights and interests of the owners thereof, without the consent of the said owners, unless the right to the same be obtained by such process as is before directed in relation to other private property, and that any inconvenience or expense attending the alteration of vessels now navigating said stream, to conform to the bridges erected by said company, shall be paid out of the funds of the company.

Penalty for neglect.

Proviso.

SECTION 12. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconvenience to such persons in crossing and passing the same, it shall be the duty of said company when required, to make, or cause to be made, a good and sufficient bridge, causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross, or pass over or under the same, with wagons, carts, and implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one such bridge or causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass, and the said causeway or causeways, when so made, shall be maintained and kept in repair by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all the damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognisance thereof; and the service of process upon any officer of said

Private causeways.

Proviso.

Penalty for neglect.

Proviso.

company shall be as good and available in law, as if served upon the president thereof: *Provided*, That this act shall not be so construed as to prevent owners of land through whose property the said railroad may pass, from constructing a bridge, causeway, or crossing place, over or under said railroad, in conformity with such as are usually made by said company.

Rules and regulations for transportation, etc.

SECTION 13. On the completion of the said railroad, or any portion thereof not less than ten miles, the same shall be esteemed a public highway, for the conveyance of passengers, and the transportation of merchandise and commodities, under such regulations as shall be prescribed by the directors; and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls, persons and property, as they shall think from time

Proviso.

to time reasonable: *Provided*, the toll or any species of property shall not exceed five cents per ton per mile, nor upon passengers

Tolls.

not more than three cents each per mile; and it shall be further lawful for the president and directors of said company, to prescribe the kind of carriages, wagons, and conveyances, which shall be used on said railroad, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages on the said road, as may seem to them most conducive to the

May be reduced.

interests of the public, and of persons using the same, and the Legislature reserves the right to reduce and regulate the tolls.

Machines, carriages and teams for transportation.

SECTION 14. The president and directors shall have full power to purchase with the funds of the said company, and place on the said railroad all machines, vehicles, carriages and teams, of any kind whatsoever, which they may deem proper and necessary for the purposes of transportation, and that they may also, to any extent which they may deem advisable, transport all goods, wares, minerals and merchandise, or other articles that may be offered them for transportation, and all passengers wishing to be conveyed on their railroad, and the said president and directors may charge for toll and freight on all articles, and for passengers so conveyed by them, their officers and agents, not exceeding twice the rates granted

Tolls and freight.

Proviso.

in the preceding section of this act for tolls alone: *Provided*, That if the said machines, wagons, vehicles, carriages and teams, shall be so used on the said railroad as to prevent or render unsafe the travelling upon any canal or public road now constructed or laid out, on or near the line of the said railroad, the Legislature may order and direct such rules and regulations for the said machines, wagons, vehicles, carriages and teams, as will secure such travelling safe and uninterrupted, and if such travelling shall be unsafe or interrupted,

the court of Quarter Sessions of the respective counties through which the said railroad shall pass, may order and direct such rules and regulations, until the Legislature shall have acted thereupon.

SECTION 15. Dividends of so much of the profits of the institution as shall appear advisable to the directors, shall be declared at least twice in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never thereby be impaired; if the said directors make any dividend which shall impair the capital stock of said institution, the directors consenting thereto shall be liable in their individual capacities to said company, for the amount of stock so divided, and each director present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend.

Dividends.

Liability of directors.

SECTION 16. If it shall appear to the said company, that the amount of capital authorized by this act is insufficient to complete the said railroad, and to accomplish the several objects of this charter, it shall be lawful for the stockholders assembled at any annual or special meeting, to increase the said capital to the necessary amount, by increasing the number of shares, and directing an additional subscription: *Provided*, That the said capital shall in no case be increased so as to exceed one million of dollars.

Capital may be increased.

Proviso—Not to exceed one million of dollars.

SECTION 17. If the said company shall not commence the construction of the said railroad within the term of five years from the passing of this act, or if after the completion of the said railroad, the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Time of commencing work, etc.

SECTION 18. The said company shall not prevent any person or persons being owner or owners of lands bordering on said railroad, or adjacent thereto, from making such lateral roads, and to connect them with said railroad, from their said lands, as the said person or persons may conceive necessary, but so as not to interfere with or impede the use thereof.

Lateral roads to connect.

SECTION 19. At the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the Legislature an abstract of the accounts of the company, showing the amount of the capital paid in, and the debts of

Statement of account, etc. to be made to the Legislature.

Tax on
dividends.

the said company, the amount received for tolls and transportation, the rates charged on the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company, and the said company shall pay annually into the treasury of the Commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. per annum on the capital stock actually paid in.

Legislature may
resume the
rights and
privileges.

May purchase
the road, etc.

SECTION 20. If the said company shall at any time misuse or abuse any of the privileges herein granted, the Legislature may resume, all and singular, the rights and privileges hereby granted to the said corporation; the Legislature also reserves the right to purchase the rights of said company, and the railroad, with the appurtenances, at any time after thirty years from the passage of this act, paying to said company a sum of money which, together with the tolls received, shall be equal to the cost and expenses of said railroad, with an interest of eight per cent. per annum thereon.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

Approved the third day of April, Anno Domini one thousand eight hundred and thirty-seven.

JOSEPH RITNER.

THE CONNELLSVILLE ACT

REVIVED AND EXTENDED.

[Extracted from the Act entitled "An Act for the relief of the Overseers of the Poor of the borough of Erie, and for other purposes."]

Pittsburgh and
Connellsville
Railroad re-
vived and con-
tinued.

SECTION 5. That the "Act to incorporate the Pittsburgh and Connellsville Railroad Company," passed on the third day of April, one thousand eight hundred and thirty-seven, be revived, extended and continued in force upon the same terms, conditions and limitations, from and after the passage of this act, as were contained in the original act, from and after the date of its passage: *Provided, however,* That the shares of stock be reduced from one hundred dollars to fifty dollars, and that the amount to be paid on each share at the time of subscribing be reduced from five dollars to two dollars and fifty cents: *And provided also,* That the commissioners named

Shares reduced
from \$100 to
\$50.

in the original act, or the survivors of them, have the same authority and power to act, and upon the same conditions and under the same limitations as those commissioners had under the original act.

Original commissioners have power to act.

SECTION 6. That the counties of Allegheny, Westmoreland, Fayette and Somerset, and any city, borough, or incorporated company, shall have authority to subscribe thereto as fully as any individual could do, and shall be represented at elections, and in other acts of said company, by agents duly appointed by the commissioners of the respective counties, or by the mayors, chief officers, and the presidents of said cities, boroughs, and incorporated companies; all which subscriptions may be required in instalments, as the company may think proper: *Provided*, That no more than one-third of the money subscribed shall be required in any one year.

Subscriptions authorized by a county, city, borough, or incorporated company.

SECTION 7. That said company shall have full power and discretion to select any route from the city of Pittsburgh to Turtle Creek, which may be deemed most eligible and advantageous, and may extend said railroad beyond Connellsville to Smithfield, or any other point on the waters of the Youghiogeny, and within the limits of this Commonwealth.—(Passed April 18, 1843.)

Route may extend beyond Connellsville to Smithfield, or to the waters of the Youghiogeny River.

RESOLUTION RESCINDING SEVENTH SECTION.

RESOLVED, That so much of the seventh section of the act passed April, one thousand eight hundred and forty-three, entitled "An Act for the relief of the poor in the borough of Erie, and for other purposes," as authorizes the Pittsburgh and Connellsville Railroad Company to extend their railroad beyond Connellsville, be and the same is hereby repealed.—(Passed April 19, 1843.)

Seventh section of act authorizing the Pittsburgh and Connellsville Railroad Company to extend their route beyond Connellsville, repealed.

LEGISLATION REPEALING RESOLUTION.

[Extracted from the Act entitled "An Act to authorize the Court of Quarter Sessions of Allegheny county to vacate Delaware Lane, in said county, and for other purposes."]

SECTION 6. That the seventh resolution of the resolution, entitled "A Resolution legalizing the election of a justice of the peace, in the borough of Dillsburg, in the county of York, and for other pur-

Pittsburgh and Connellsville Railroad Company.

poses," approved the nineteenth day of April, one thousand eight hundred and forty-three, be and the same is hereby repealed; and the seventh section of the original act, entitled "An Act for the relief of the Overseers of the Poor of the borough of Erie, and for other purposes," passed the eighteenth day of April, one thousand eight hundred and forty-three, be and the same is hereby continued in full force.—(Passed April 3, 1846.)

LEGISLATION RELATING TO TOLLS.

[Extracted from the Act entitled "An Act authorizing the laying out of a State Road," &c.]

Tolls fixed for
the Pittsburgh
and Connells-
ville Railroad
Company.

SECTION 9. That the rates of toll authorized to be charged by the thirteenth section of "An Act to incorporate the Pittsburgh and Connellsville Railroad Company," approved April the third, one thousand eight hundred and thirty-seven, shall not exceed two and a half cents per mile for each passenger; four cents per mile for each ton of two thousand pounds for freight; three cents per mile for each passenger car; and two cents per mile for each burden or freight car, every four wheels being computed as a car; and at all general meetings or elections by the stockholders of said company, each share of stock shall entitle the holder or holders thereof to one vote, and each ballot shall have endorsed thereon the number of shares thereby represented; and the provisoes to the thirteenth and sixteenth sections of said act be and the same are hereby repealed.—(Passed April 10, 1846.)

Votes.

Repeal.

LEGISLATION RELATING TO "COMMISSIONERS IN ADDITION," &c.

[Extracted from the Act entitled "An Act to authorize the Commissioners of Lycoming county," &c.]

Commissioners
Kensington dis-
trict, Philadel-
phia county,
authorized to
improve a cer-
tain canal or
water-course.

SECTION 8. That the commissioners and inhabitants of the Kensington district of the Northern Liberties, in the county of Philadelphia, are hereby vested with full power and authority to improve and make navigable, by the construction of wharves, embankments, or otherwise, a certain canal or water-course, of the width marked

and laid down upon the revised plan of the sixth division, and approved by the said commissioners, the sixth day of January, eighteen hundred and forty-six; the costs and expenses thereof, to be a lien until paid, and be assessed against the owners, or reputed owners of the property fronting on the said canal, and be collected in the same manner as other debts due the said district are now by law collected; and that the first section of the act of the twenty-fifth day of January, A. D. eighteen hundred and thirty-six, entitled "An Act supplementary to an act to provide for the erection of a house for the employment and support of the poor, in the county of Schuylkill," be and the same is hereby repealed. That William Robinson, jun., Harmar Denny, Thomas Bakewell, Jesse Carothers, Joshua Hanna, James Kelly, William Wilkins, Z. H. Costine, F. G. Bailey, John B. Butler, Richard Biddle, James Crossan, Walter Forward and Jacob Painter, be and they are hereby appointed commissioners, in addition to the commissioners named in the "Act to incorporate the Pittsburgh and Connellsville Railroad Company," with the same powers and duties which are conferred by said act.— (Passed April 17, 1846.)

Justices of the peace in Schuylkill county entitled to a fee for an order to remove paupers.

Additional commissioners in the Pittsburgh and Connellsville Railroad Company.

A SUPPLEMENT

TO "AN ACT TO INCORPORATE THE PITTSBURGH AND CONNELLVILLE RAILROAD COMPANY," PASSED APRIL THIRD, EIGHTEEN HUNDRED AND THIRTY-SEVEN.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Pittsburgh and Connellsville Railroad Company be and they are hereby authorized to make and construct a railroad, with one or more tracks, from the city of Pittsburgh to any point within this State, suitable to form a connection with the Pennsylvania Railroad Company, at such point or place as may be mutually agreed upon by the president and directors of the said Pennsylvania Railroad Company, and the president and directors of the Pittsburgh and Connellsville Railroad Company: And be it further enacted, That the Pittsburgh and Connellsville Railroad Company be and they are hereby authorized to construct a railroad, with one or more tracks, from any point at or near the city of Pittsburgh, to such point on*

May construct a road to connect with Pennsylvania Railroad.

Authorized to construct road from Pittsburgh to the Ohio State line.

the line of the State of Ohio, as may be determined upon by the president and directors of said company; and the commencement of the construction of said road, in the direction of the State of Ohio, within two years after the passage of this act, shall be construed to be a compliance with the conditions contained in the seventeenth section of the act to which this is a supplement: *Provided*, That if a connection shall be agreed upon, as provided for in this act, between the said Pittsburgh and Connellsville Railroad Company and the Pennsylvania Railroad Company, then the said Pennsylvania Railroad Company shall be released from any obligation to commence their road at the city of Pittsburgh, and from constructing that portion of their line lying between the said point of connection and the said city of Pittsburgh; but if the said companies do not mutually agree to connect their said railroads, as aforesaid, then and in that case the said Pennsylvania Railroad Company may connect their railroad, or any branch thereof, in, at or near the city of Pittsburgh, or other suitable point or points in the county of Allegheny, with any railroad made by the said Pittsburgh and Connellsville Railroad Company, in pursuance of this act; the said connections to be made in such manner and form as may be proper and convenient to constitute a continuous and uninterrupted line of railroad; and the tolls, motive power and other charges on any railroad made, as aforesaid, by the Pittsburgh and Connellsville Railroad Company, when the cars or other vehicles used thereon are furnished by others, shall not exceed the rates authorized to be charged in like cases by the Pennsylvania Railroad Company, nor shall any charge be made on any such railroad, exceeding three cents per mile for each through passenger, and three and one-half cents per mile for each way passenger: *And provided further*, That if the provisions of this act shall be accepted by said Pittsburgh and Connellsville Railroad Company, and they shall commence either of the roads hereby authorized, they may, within sixty days after due public notice shall have been given of the same, permit any stockholder, who shall be dissatisfied thereby, to withdraw his subscription, and refund to such withdrawing subscriber the amount of instalment he may have paid, after deducting his pro rata share of the expenses heretofore incurred; and they shall have power, at any general meeting of the stockholders, to change the corporate name of the company to any name they may consider appropriate: *Provided further*, That if the Pittsburgh and Connellsville Railroad Company shall commence the construction of a railroad, under authority of this act, from the city of Pittsburgh to the Ohio State line, then the sixth section of the

Proviso.
If connected with the Pennsylvania Railroad, then that company need not go to Pittsburgh.

If no agreement be made, then the Pennsylvania Railroad may connect at any point in Allegheny county.

Tolls.

Proviso.

Dissatisfied stockholders may withdraw their subscriptions.

May change the corporate name.
Proviso.

act of third April, eighteen hundred and forty-six, entitled "An Act to authorize the Court of Quarter Sessions of Allegheny county to vacate Delaware Lane, in said county, and for other purposes," shall be null and void, and confer no right or privileges upon said Pittsburgh and Connellsville Railroad Company: *And provided further*, That if the Pennsylvania Railroad Company shall find it their interest to commence the construction of their road from some point on the Cumberland Valley Railroad, then the said Pennsylvania Railroad Company shall be released from the obligation imposed by the act of incorporation, to commence their work at Harrisburg.

If a road be constructed from Pittsburgh to the Ohio State line, the 6th section of Act of April 3, 1846, shall be void.
Proviso.
The Pennsylvania Railroad may begin from some point on the Cumberland Valley Railroad, or from Harrisburg.

Approved the fifteenth day of March, one thousand eight hundred and forty-seven.

FRANCIS R. SHUNK.

LEGISLATION RELATING TO TAXES, &c.

[Extracted from the Act entitled "An Act to require corporations to give bail, &c. * * * and Pittsburgh and Connellsville Railroad Company.]

SECTION 4. That if a connection shall be formed between the Pittsburgh and Connellsville Railroad and the Pennsylvania Railroad east of the city of Pittsburgh, by virtue of the act, entitled "A Supplement to an act, entitled 'An Act to incorporate the Pittsburgh and Connellsville Railroad Company,' passed April third, one thousand eight hundred and thirty-seven," then the tonnage passing over that part of the road situated between said city of Pittsburgh and the point of connection, shall be subject to the same rate of tax and regulations for collecting the same, as are provided in relation to the Pennsylvania Railroad Company.—(Passed March 15, 1847.)

Pittsburgh and Connellsville Railroad Company to be subject to the same taxation as the Pennsylvania Railroad, if the two roads be connected east of Pittsburgh.

331